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Senate
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THE
JOURNAL OF THE SENATE
OF THE
STATE OF VERMONT,
OCTOBER SESSION,
1858.

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JOURNAL OF THE SENATE,

OCTOBER SESSION, 1858.

THURSDAY MORNING, OCTOBER 14TH, 1858.

Pursuant to the provisions of the Constitution and the Laws of the State, the Senate of Vermont convened at the Court House in Montpelier, on the second Thursday, being the fourteenth day of October, in the year of our Lord, one thousand eight hundred and fifty-eight.

At ten o'clock A. M. the Senate was called to order by His Honor the President, JAMES M. SLADE.

Prayer by the Rev. F. W. SHELTON. The Roll of the Senate was called, and the following Senators answered to their names, to wit:

| | |
|---------------------------|--|
| <i>Bennington County,</i> | { JAMES L. STARK, Jr. WILLIAM BILLINGS, |
| <i>Windham County,</i> | { JOHN E. BUTLER, RANSLURE W. CLARKE, WILLIAM HARRIS, Jr. |
| <i>Rutland County,</i> | { DAVID E. NICHOLSON, MARTIN G. EVERTS, CHAUNCEY S. RUMSEY, |
| <i>Windsor County,</i> | { CHARLES S. RAYMOND, WARREN C. FRENCH, JO D. HATCH, JOHN WILDER, |
| <i>Addison County,</i> | { SAMUEL P. NASH, { |

| | |
|---------------------------|--|
| <i>Orange County,</i> | { BETHER W. BARTHOLOMEW, ROSWELL M. BILL, |
| <i>Chittenden County,</i> | { LUCIUS E. CHITTENDEN, EDWIN D. MASON, JOSIAH TUTTLE, |
| <i>Washington County,</i> | { JOSEPH POLAND, ENOCH D. PUTNAM, |
| <i>Caledonia County,</i> | { BLISS N. DAVIS, ALBERT G. CHADWICK, |
| <i>Franklin County,</i> | { DELAZON D. WEAD, WILLIAM C. WILSON, JOHN G. SMITH, |
| <i>Orleans County,</i> | GEORGE WORTHINGTON, Jr. |
| <i>Essex County,</i> | NATHANIEL W. FRENCH. |

The oath was thereupon administered to the Senators in attendance by the PRESIDENT, and they took their seats.

Mr. BUTLER offered the following Resolution, which was read and adopted,

Resolved, That the Rules of the last Senate be adopted until others are provided.

On nomination of the PRESIDENT, the following named Senators were appointed on the part of the Senate, as the Committee to canvass the votes of the freemen of the State for Governor, Lieut. Governor and Treasurer for the year ensuing, to wit :

Mr. NICHOLSON, of Rutland County,
 BILLINGS, of Bennington County,
 HARRIS, of Windham County,
 HATCH, of Windsor County,
 NASH, of Addison County,
 BARTHOLOMEW, of Orange County,
 TUTTLE, of Chittenden County,
 POLAND, of Washington County,
 DAVIS, of Caledonia County,
 WEAD, of Franklin County,
 WORTHINGTON, of Orleans County,
 FRENCH, of Essex County,

And thereupon the oath was administered to the members of said Committee by the Secretary.

Mr. HATCH offered the following Resolution, which was read, and on motion of Mr. CHITTENDEN was laid on the table :

Resolved, That the Senate do now proceed to elect their Secretary for the year ensuing.

On motion of Mr. DAVIS,

The Senate adjourned.

AFTERNOON.

Mr. HARRIS offered the following Resolution which was read and adopted,

Resolved, That the Senate do now proceed to elect a Chaplain for the year ensuing.

And the ballots having been taken and examined, it appeared that the

Rev. F. W. SHELTON, of Montpelier,
was elected.

Mr. GLEED, Senator elect from the County of Lamoile, appeared at the bar of the Senate, was sworn by the President, and took his seat.

Mr. WOODBRIDGE, a member of the House of Representatives from the city of Vergennes, appeared on the floor of the Senate, with a message, as follows,

MR. PRESIDENT :

I am directed to inform the Senate that a quorum of the House of Representatives have assembled and are organized by the choice of GEORGE F. EDMUNDS, the Represen-

tative from the town of Burlington, as their Speaker, and CHARLES CUMMINGS, of Brattleboro, as their Clerk, and are ready to proceed with the business of the Session.

Mr. WEAD offered the following Resolution, which was read and adopted,

Resolved, That the Secretary cause to be provided for the President, Secretary and Assistant Secretary of the Senate, and for each Senator, two dailies and one weekly newspaper printed in this State, such as each shall designate.

Mr. PHELPS, Senator elect from Grand Isle County, appeared at the bar of the Senate, was sworn by the President and took his seat.

Mr. CHITTENDEN called up the Resolution providing for an election of Secretary, and the same was adopted.

And the ballots having been taken and examined, it appeared that

CLARK H. CHAPMAN, of Cavendish,
was elected.

The oath of office was administered to him by the President, and he entered upon the duties of his office.

Mr. WILSON offered the following Resolution, which was read and adopted,

Resolved, That the Senate do now proceed to elect their Assistant Secretary for the year ensuing.

And the ballots having been taken and examined, it appeared on the third ballot that

HENRY E. MINER, of Manchester,
was elected.

The oath of office was administered to him by the President, and he entered upon the duties of his office.

Mr. MASON offered the following Resolution, which was read and adopted,

Resolved, That a message be sent to the House of Representatives by the Secretary, informing them that a quorum of the Senate have assembled and organized, and are ready to proceed with the business of the Session.

Mr. CHITTENDEN offered the following Joint Resolution, which was read and adopted,

Resolved, By the Senate and House of Representatives, That Joint Rules of the last Session be adopted until others are provided.

Mr. WILSON offered the following Resolution, which was read,

Resolved, That the Senate do now proceed to elect Standing Committees.

Mr. CHITTENDEN moved that said Resolution be laid on the table, which motion was agreed to.

Mr. CHITTENDEN offered the following Joint Resolution, which was read and adopted,

Resolved, By the Senate and House of Representatives, That the two Houses meet in Joint Assembly to-morrow afternoon at two o'clock, for the purpose of hearing the annual Election Sermon.

Mr. CHITTENDEN called up the Resolution for the election of the Standing Committees of the Senate, and the same was adopted.

Mr. WEAD moved that the vote adopting the last named Resolution, be reconsidered, which motion was agreed to, and on motion of Mr. SMITH, it was

Ordered, That said Resolution be laid on the table.

On motion of Mr. POLAND,

The Senate adjourned.

FRIDAY MORNING, OCTOBER, 15.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

A message was received from the House by Mr. CUMMINGS, their Clerk, as follows :

Mr. PRESIDENT :

The House have adopted, in concurrence with the Senate, the Joint Resolution providing for a meeting of the Joint Assembly to hear the Election Sermon. In the adoption of which proposed amendment I am directed to request the concurrence of the Senate.

The House have adopted, in concurrence with the Senate, the Joint Resolution providing for the adoption of *temporary* Joint Rules.

The House have adopted a Joint Resolution relative to the appointment of Committees to canvass the votes given in the several Congressional Districts of this State, and have appointed on the part of the House the following named gentlemen to constitute such Committee :

1st District, Messrs. MILLINGTON of Shaftsbury,

RICH of Shoreham,

HOUSE of Berlin,

2nd District, Messrs. MYERS of Jamaica,

HOUGHTON of Orange,

BELL of Walden,

3d District, Messrs. CLARK of Milton,

WOODWORTH of Enosburgh,

SHORES of Granby,

The House, also, adopted a Joint Resolution relative to the appointment of Committees to examine the certificates of votes given in each County for Judges of the County Court, States' Attorney, Sheriff, High Bailiff, Judges of Probate, and Jus-

tices of the Peace. And have appointed on their part the following named gentlemen as such Committee :

| | |
|---------------------------|---|
| <i>Addison County,</i> | MESSRS. BASCOM, DYER, LAMB, |
| <i>Bennington County,</i> | MESSRS. BURTON, BOURN, BACON, |
| <i>Caledonia County,</i> | MESSRS. JOHNSON, NELSON, SANBORN, |
| <i>Chittenden County,</i> | MESSRS. TRACY, WHITCOMB, LAWRENCE, |
| <i>Essex County,</i> | MESSRS. WALTER, KNEELAND, HOLBROOK, |
| <i>Franklin County,</i> | MESSRS. HART, KINGSBURY, HOWARD, |
| <i>Grand Isle County,</i> | MESSRS. WADSWORTH, FLEURY, GRIFFITH, |
| <i>Lamoille County,</i> | MESSRS. BARBER, JONES, CHAPIN, |
| <i>Orange County,</i> | MESSRS. RENFREW, HEBARD of Randolph, SWIFT, |
| <i>Orleans County,</i> | MESSRS. BAKER, FARMAN, BEAN, |
| <i>Rutland County,</i> | MESSRS. AINSWORTH, WESTOVER, ADAMS, |

| | |
|---------------------------|---|
| <i>Washington County,</i> | MESSRS. COLLAMER, PUTNAM, CLARK, |
| <i>Windham County,</i> | MESSRS. LYNDE, HITCHCOCK, STREETER, |
| <i>Windsor County,</i> | MESSRS. CUTTS, POLLARD, BALDWIN, |

The House have also adopted a Joint Resolution relative to the procuring of one thousand Legislative Directories for the use of the members of both Houses.

In the adoption of which Resolutions I am directed to request the concurrence of the Senate.

And he then withdrew.

The following Resolution from the House was read and adopted in concurrence,

Resolved, By the Senate and House of Representatives, That the Clerk of the House of Representatives be instructed to procure, for the use of the members of both Houses, one thousand copies of a Legislative Directory for the present session.

Resolution from the House was read and adopted in concurrence, to wit :

Resolved, By the Senate and House of Representatives, That a Joint Committee consisting of one Senator and three Representatives from each County be appointed upon the nomination of the President of the Senate and the Speaker of the House respectively to examine the Certificate of votes given in each County for Judges of the County Court, States' Attorney, Sheriff, High Bailiff, Judges of Probate, and Justices of the Peace, and ascertain the number of votes given for each Candidate, and to declare what persons are elected to such offices, and make report thereof to the General Assembly.

Resolution from the House was read and adopted, as follows, to wit :

Resolved, By the Senate and House of Representatives, That a Joint Committee, consisting of one Senator and three Representatives from each County District be appointed upon the nomination of the President of the Senate and the Speaker of the House respectively to canvass the votes given in the several Congressional Districts and declare those persons elected, to represent this State in the Congress of the United States having a majority of all the votes in the respective Districts.

The amendment proposed by the House to the Joint Resolution heretofore adopted by the Senate providing for a meeting of the Joint Assembly to hear the Election Sermon was read and is as follows :

Strike out all after the word *Resolved*, and substitute the following,

“That on Friday next, the 15th instant, at half past two o’clock in the afternoon, both Houses under the superintendence of the Adjutant General of this State, and in accordance with such arrangements as he shall make, will meet in Joint Assembly, in the Hall of the House of Representatives to attend religious services and hear an Election Sermon.”

And said proposed amendment was adopted in concurrence.

On motion of Mr. CLARKE

The Senate adjourned.

AFTERNOON.

Mr. BARTHOLOMEW offered the following Resolution, which was read and adopted,

Resolved, By the Senate and House of Representatives, That both Houses meet in Joint Assembly this afternoon at a quarter past two o’clock to hear the Report of the Committee appointed to canvass the votes for Governor, Lieut. Governor and Treasurer, and if necessary to elect such officers.

A message was received from the House by Mr. CUMMINGS, their Clerk, as follows :

Mr. PRESIDENT :

The House have appointed the following named members as a Committee on their part to canvass the votes for Governor, Lieut. Governor and Treasurer :

Addison County, Messrs. WICKER,
WHITE, and
RIDER.

Bennington County, Messrs. COCHRANE,
MYERS, and
SEARS.

Caledonia County, Messrs. MCGAFFEY,
TRUSSELL, and
SANBORN.

Chittenden County, Messrs. STONE,
CRANE, and
HALBERT.

Essex County, Messrs. SILVER,
HARTSHORN, and
JOY.

Franklin County, Messrs. DURKEE,
HALL, and
LARNED.

Grand Isle County, Messrs. CLARK,
GRIFFITH, and
HYDE.

Lamoille County, Messrs. FERRIN,
HEMENWAY, and
POWERS.

Orange County, Messrs. MARTIN,
DOW, and
BOND.

Orleans County, Messrs. KELLAM,
COLE, and
SCOTT.

Rutland County, Messrs. PITTS,
BILLINGS, of West Haven, and
ADAMS.

Washington County, Messrs. HOLLISTER,
SMITH, and
SCOTT.

Windham County, Messrs. WHITE,
GARFIELD, and
STREETER.

Windsor County, Messrs. WHITE,
SMITH, and
DEANE, of Barnard.

Mr. BUTLER moved that the vote by which the Senate concurred in the amendment proposed by the House, to the Joint Resolution providing for a meeting of the Joint Assembly to hear the Election Sermon be re-considered, which motion was agreed to, and on motion of Mr. BUTLER, it was

Ordered, That the Resolution and proposed amendment be laid on the table.

On motion of Mr. GLEED it was

Ordered, That a Committee of two Senators be appointed by the President to inform the Governor that the Senate is organized and ready to receive any communication he may be pleased to make them.

Mr. GLEED and Mr. FRENCH of Essex, were appointed such Committee.

A message was received from the House by Mr. CUMMINGS, their Clerk, as follows:

Mr. PRESIDENT :

The House have considered the Joint Resolution from the Senate providing for a meeting of the Joint Assembly at a quarter past two o'clock this afternoon, and have adopted the same in concurrence.

The hour having arrived for the meeting of the Joint Assembly, the Senate repaired to the Hall of the House of Representatives.

And having returned therefrom, on motion of Mr. BARTHOLOMEW,

The Senate adjourned.

SATURDAY MORNING, OCTOBER, 16

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

A message was received from the House by Mr. CUMMINGS, their Clerk, as follows :

Mr. PRESIDENT :

The House have, on their part, adopted a Joint Resolution tendering thanks to the Rev. C. A THOMAS, for the Election Sermon, also asking a copy for the press, and providing for the publishing of the same.

In the passage of which, I am directed to request the concurrence of the Senate.

The President laid before the Senate the following communication :

TO THE PRESIDENT OF THE SENATE :

I have the honor to inform the Senate that I have taken and subscribed the oaths which the Constitution prescribes for the Governor of the State; that I have appointed WILBUR P. DAVIS, of Woodstock, Secretary of Civil and Military Affairs; and that I purpose to transmit the annual Executive Communication to the General Assembly at eleven o'clock to-morrow morning.

HILAND HALL.

EXECUTIVE CHAMBER, }
October, 15th, 1858. }

Mr. CHITTENDEN offered the following Resolution, which was read and adopted,

Resolved, That a Committee of two Senators be appointed to wait upon BURNHAM MARTIN, the Lieutenant Governor elect, inform him of his election, and conduct him to the Chair of the Senate.

Mr. CHITTENDEN and Mr. CLARKE were appointed to constitute such Committee.

The following Resolution from the House was read and adopted,

Resolved, By the Senate and House of Representatives, That the thanks of the General Assembly be tendered to the Rev. Dr. C. A. THOMAS for the Election Sermon, and that the Secretary of State be directed to request a copy of said Sermon for the Press, and to cause eleven hundred copies of said Sermon, when procured, to be printed for the use of the General Assembly and the State Library.

The Committee appointed to wait on Lieut. Governor Martin and to inform him of his election, with Mr. MARTIN appeared at the bar of the Senate, the oaths required by the Constitution were administered by the President, and in assuming the Chair, he addressed the Senate as follows :

SENATORS :

It is with emotions of gratitude, and yet with great diffidence, that I enter upon the duties of the office, so generously conferred upon me by the suffrages of a free and intelligent people.

I am not unmindful that these duties are of such a character, as that without your efficient co-operation, any effort of mine to discharge them acceptably must prove unavailing; and it is with pleasure that I allude to the well merited reputation of this branch of the General Assembly, for dignity, decorum and courtesy, which I am sure you will observe and maintain, as being the source of my confidence that you will render me that aid and exercise that forbearance, I shall so much and so often need. While in the discharge of my office-

ial duty as your presiding officer, it will be my earnest endeavor to secure the proper observance of such rules as are or may be adopted by you; it will also be my endeavor to be just, courteous and impartial to each and every Senator; and so far as honest intention can avail, these ends will be accomplished. Invoking the aid of Divine to sustain and direct us, it only remains for me to solicit your attention to the prompt, efficient and faithful dispatch of the business of the Session, having due regard to the wishes, interests and welfare of the people of the State.

Mr. BUTLER offered the following Resolution which was read and unanimously adopted,

Resolved, That the Senate tender thanks to the Hon. J. M. SLADE for the very acceptable, efficient and impartial manner in which he has discharged the duties of President of the Senate.

Mr. NASH offered the following Resolution which was read and adopted,

Resolved, That a Committee of two Senators be appointed by the President to join such Committee as may be appointed by the House of Representatives, to report Joint Rules for the Senate and House of Representatives.

Mr. GLEED offered the following Resolution which was read and adopted,

Resolved, That a Committee of three Senators be appointed by the President to report Rules for the government of the Senate.

Mr. SMITH called up the Resolution providing for the election of Standing Committees, and the same was adopted.

On motion of Mr. CHITTENDEN so much of Rule 17 as requires the Standing Committees to be elected by ballot was suspended, and the following named Senators were elected by *viva voce*, vote, to wit:

| | |
|---------------------|---------------------------|
| <i>On Finance</i> , | Messrs. EVERTS, Chairman, |
| | POLAND, |
| | BARTHOLOMEW. |

| | |
|-----------------------------|--|
| <i>Judiciary,</i> | / Messrs. CHITTENDEN, Chairman, FRENCH, of Windsor. STARK. |
| <i>On Claims,</i> | Messrs. WILSON, Chairman, MASON, FRENCH, of Essex. |
| <i>On Education,</i> | Messrs. CLARK, Chairman, WEAD, NASH. |
| <i>On Agriculture,</i> | Messrs. SANFORD, Chairman, RUMSEY, WILDER. |
| <i>On Manufactures,</i> | Messrs. HARRIS, Chairman, CHADWICK, RAYMOND. |
| <i>On Elections,</i> | Messrs. RAYMOND, Chairman, BILLINGS, WILDER. |
| <i>On Military Affairs,</i> | Messrs. GLEED, Chairman, BILL, FRENCH, of Essex. |
| <i>On Roads,</i> | Messrs. BUTLER, Chairman, DAVIS, CHITTENDEN. |
| <i>On Banks,</i> | Messrs. SMITH, Chairman, HATCH, DAVIS. |
| <i>On Land Taxes,</i> | Messrs. WEAD, Chairman, PHELPS, BILLINGS. |
| <i>General Committee,</i> | Messrs. NICHOLSON, Chairman, WORTHINGTON, TUTTLE. |

Mr. HATCH offered the following Resolution which was read and adopted,

Resolved, That a Committee consisting of three Senators, to

be denominated the Committee on Printing, be appointed by the President, to whom all bills of a public nature be referred and by them directed to be printed or not, as in their judgment the importance of the bills demand, and who shall report the same to the Senate, with their direction thereon.

Mr. DAVIS, Secretary of Civil and Military Affairs, appeared on the floor of the Senate, with a message, as follows:

Mr. PRESIDENT:

I am directed by the Governor, to transmit to the Senate, the annual Executive Communication to the General Assembly.

The message was read by the Secretary, as follows:

FELLOW CITIZENS OF THE SENATE

AND HOUSE OF REPRESENTATIVES:

We have come together in obedience to the directions of the constitution to consult upon the condition of the state and to adopt such measures of legislation, within the limits of the people's charter under which we are to act, as their wants and interests may seem to require. In the performance of this duty the labor as well as the responsibility devolves almost exclusively upon you. Our state government is emphatically a people's government, being more purely democratic in its character than any other in America, and probably in the world. To the immediate representatives of the people, of the several towns and counties in the state, is committed the absolute power of annually choosing all the officers, both executive and judicial, who are not annually elected by the people, and of enacting such laws as to the majority of them, assembled in their respective houses, shall seem meet.

To this power of legislation the governor has not, as in most of our sister states, even a qualified negative. His authority is of an advisory character merely. By interposing objections to a proposed measure he may casue a reconsideration of it, but if a majority of the two houses remain favorable to the measure, it becomes a law without the approval of the executive. The successful operation of the popular features of

our system is a subject of just congratulation, furnishing the strongest evidence of the wisdom and foresight of its framers, as well as of the virtue and intelligence of those by whom it has been administered.

The past year has been one of unusual depression in the business of the country, in which the people of this state have shared to a considerable extent, though it is believed in a less degree than in many others. Although an immediate restoration of business to its former active and successful condition is not perhaps to be anticipated, we have still no occasion for despondency. The productions of our soil during the past season have been unusually abundant, our people have been blessed with an ordinary degree of health; are in the full enjoyment of civil and religious liberty, and the means of intellectual culture, as well as of comfortable bodily subsistence, are believed to be within the reach of all our citizens. With all these and numerous other blessings so bountifully showered upon us by a kind and beneficent Providence, we have abundant cause for thankfulness and rejoicing for the past, and also for hope and confidence in the future.

Coming newly into office and having had little experience in state legislation, I make this introductory communication rather in compliance with established usage, than in any very confident expectation of furnishing you with essential aid in the discharge of your various important duties. I shall however make such suggestions as occur to me on some subjects which I deem worthy of your notice, commending them to your candid consideration.

The report of the auditor of accounts, which, in conformity to the provisions of law, has just been published, shows the receipts and expenditures of the state, during the past political year, and the present condition of our state finances. From this report it appears that the balance in the treasury on the first of September 1858, was \$30,643 71, and that the amount of taxes uncollected was \$60,259 26, making together the sum of \$90,891 97, as the immediate available resources of

the state, and that the indebtedness of the state, including orders unrepresented the bank safety fund and the sums due to towns for United States surplus money, was \$143,904 07, exceeding the current available resources by the sum of \$53,012 10. It is to be observed that there has been expended in the construction of the new state house the sum of \$61,127 70, and that but for this extraordinary expenditure, made necessary by the accidental destruction of the old edifice, the sum in the treasury and the assessed taxes would exceed the state indebtedness by about the sum of \$8,000. The policy of the state from its first organization has been against the creation of a permanent state debt. Extraordinary and unexpected calls upon the treasury, like that now requiring the construction of a new capitol, have occasionally been provided for by temporary loans, but provision for their speedy payment has always heretofore been made. This policy has had a strong tendency to produce a judicious economy in our expenditures, and I trust is not to be departed from.

The report of the auditor of accounts also embraces the reports of the several officers having the charge and inspection, respectively, of the Vermont asylum for the insane, and of the state prison, and also the bank commissioner's report.

The report of the commissioner of the insane is highly complimentary to the conduct and management of the asylum, which, under the direction of its experienced superintendent and board of trustees, appears to be in very successful operation.

The reports of the directors of the Vermont state prison and its superintendent, are also of a favorable character. I would respectfully call your attention to the recommendation of the directors for reconstructing the cells of the prison, which the comfort as well as the preservation of the health of the inmates would seem to demand.

From the report of the bank commissioner, it appears that all the banks in operation in the state are considered to be in a sound condition, though the capital of some of them, by reason of losses, has been reduced below the chartered amount.

It would also seem that many of the banks have violated some of their charter provisions. I beg leave to call your attention to some of these violations, specified by the commissioner, and to submit to your consideration whether further legislation is necessary to prevent their repetition.

I have reason to believe that the geological survey of the state, under the superintendence of the eminent state geologist, is being judiciously and successfully prosecuted. His report will be laid before you at an early day, with such suggestions as shall then occur to me as important.

Reports are also expected from the superintendent of the state house, on the progress and present condition of the work on that edifice, and from the secretary of the board of education, showing the proceedings of the secretary and of the board during the past year, which reports will be severally communicated to you. On transmitting these reports, I shall take occasion to submit such remarks upon the different subjects embraced by them as shall seem to be required.

The subject of the condition and management of our railroads is one of the very highest importance to the state, but as it will come appropriately before you by the report, which is to be made to you by the railroad commissioner, I forbear to comment upon it.

The militia of the state have lately received more than usual public attention, and the subject will doubtless be before you for consideration. The condition of the militia has heretofore been deemed a matter of great importance. Our ancestors brought with them to this country a strong hereditary dread of standing armies, which successive events in the parent country continually served to strengthen and confirm. It was found that wherever such military force was not engaged in foreign wars, it was generally employed by the government in oppressing and attempting to enslave the people, and this whether the force was controlled by the crown, by parliament or a protector. This conviction of the danger of standing armies, and a belief in the safety and efficiency of a well regulated militia for purposes of defence and protection, were es-

established political principles of our revolutionary fathers, and as such were incorporated into our state constitution.

The early settlers of New England were in the constant daily use of fire-arms for their protection against savages and wild beasts. Such arms were also required in the pursuit of game, which often furnished them with convenient and sometimes indispensable means of subsistence. The frequent attacks which were made upon their settlements by the Indians and afterwards by the French and Indians combined, the threatened dangers from the oppressions of the mother country, which immediately followed the close of the French war, and the actual hostilities of the revolutionary period, all stimulated the military spirit of our ancestors, and made them not only cheerfully submit to frequent and expensive drills and musters for their improvement in military discipline, but to feel an honest and patriotic pride in establishing and maintaining a high character for the efficiency of their military organization.

This military spirit continued to prevail to a considerable extent until the war of 1812, during which the militia were frequently called out and often rendered valuable and important service to the country. But after the peace with England in 1815, the character and efficiency of the militia for parade and discipline suffered a marked and rapid decline. This apparent abatement of military ardor is doubtless mainly, if not wholly, to be attributed to the feeling which has extensively pervaded the community since that period, that all danger from foreign invasion had ceased, that little or none was to be apprehended from domestic violence, and that consequently a military organization was unnecessary and useless. Under the influence of this feeling, our laws, which have required our citizens to furnish themselves with arms and equipments, to appear with them by companies for inspection and drill, and to attend regimental and other musters, have been looked upon as imposing expensive and unnecessary burdens, and all efforts of legislation for some years past, to give popularity and efficiency to such laws, have proved unavailing. I am not now considering the justice and propriety of this feeling, but merely

stating the fact of its existence, a fact which ought not to be overlooked in any further attempt at legislation on the subject. For in our republican system, a law in order to be permanent and effectual must be sustained, or at least must not be condemned, by public sentiment.

By our present laws the militia is divided into two classes, denominated the enrolled and the uniformed militia. All persons liable to do militia duty by the laws of the United States and of this state, are to be annually enrolled by the listers of the several towns, and a return is to be made of their enrollment to the Adjutant and Inspector General. The enrolled militia is divided by territory into regiments, brigades, and divisions, but its members as such are not liable to drill, muster or inspection.

The uniform militia consists of companies of volunteers from the enrolled militia, of which there may be one, and under certain restrictions, two to each regiment. These companies of volunteer militia are required to serve eight years unless sooner discharged; are, on proper security, to be furnished with arms belonging to the state; are at their own expense to furnish themselves with equipments and with uniform, as directed by the commander-in-chief; are subject to inspection, drill and muster; and each member of such company, who is returned uniformed and equipped, and who has performed three days military service, is entitled to receive three dollars annually from the state treasury.

The sparseness of our agricultural population is unfavorable to the organization of military companies, and it is probably only in some of our largest villages that they may be expected to be formed and supported. Several compaines have recently been organized in the state, who met for voluntary drill and muster at Brandon, on the first and second of September, and were inspected by the commander-in-chief. It is but justice to those volunteer companies to say, that their appearance and discipline were, under the circumstances, creditable to them and to the state.

The success of this muster of uniform militia appears to

have in some degree awakened a military spirit in the community. It is understood that several new volunteer companies are in the process of organization in different parts of the state, and that application for greater legislative encouragement for this class of militia than is now given, is likely to be made at the present session. I have thought it proper to take this rather lengthened notice of our militia history, and of the results of our previous legislation, in order to bring this subject fully before you. I trust you will give the matter a careful and judicious consideration, and that whatever action you may take, will be such as will be permanently beneficial to the soldier and to the community.

I feel it my duty to call your attention to our laws on the subject of the attachment of property on mesne process, and especially to that feature of them which gives priority to the first attaching creditor. Whatever may have been the effect of this law at an early day when credit was comparatively limited, its present operation is, in my judgment, unfavorable to the business interests of the community. It operates harshly upon the honest debtor, by offering a premium to such creditor as shall first attach and deprive him of the possession of his property, and perhaps ruin his business; and it is unjust to creditors, by allowing the most greedy and unscrupulous one to obtain his whole debt from an insolvent, to the entire exclusion of all others. It furnishes to the dishonest debtor a convenient mode of defrauding his creditors, by procuring his property to be secured to himself by a fictitious attachment. I would therefore earnestly recommend the passage of an act that shall provide for the equal distribution of the proceeds of the property attached, among all the attaching creditors.

Forming a portion of the general government, we are deeply interested in the measures and character of its administration, and a few words in reference to them will not, it is believed be deemed out of place in this communication.

The marked general feature of the national government for several years past, has been its entire disregard and abandonment of some of the most important principles, which were

considered as political axioms by the framers of the constitution, and acted upon as such in the earlier and purer days of the government, and indeed down to a very recent period. This has been more particularly manifested in reference to the subject of slavery.—Thus, the principle of non-intervention, which applied the obligations of common honesty and fair dealing between individuals, to our transactions with other governments, has, with a view to the extension of the area of slavery, given place to the detestable doctrine that national convenience forms a sufficient justification for a forcible appropriation to our own use of a foreign territory and its people; and in accordance with which doctrine, countenance and encouragement have been to the lawless invasion of such territory, and the most barbarous and cruel robbery and murder of its unoffending inhabitants. The power of congress to exclude slavery from the territories of the United States, which had been exercised without question, by frequent and repeated enactments from the foundation of the government down to 1848, has been recently declared to be without the pale of the constitution, and the extraordinary doctrine is now promulgated that the constitution itself legalizes slavery in the territories, and that congress has consequently no authority to prevent its introduction. This doctrine of the present executive of the general government is sought to be confirmed and established by the opinions of a majority of the judges of the supreme court of the United States, the highest judicial tribunal of our country. Of these opinions of the judges the legislature of this state at the last session expressed by resolutions their decided condemnation, in which condemnation I fully concur. With a strong habitual reverence for judicial authority, when exercised within its appropriate sphere for the determination of individual rights, I confess I have not a high regard for it when sought to be extended to political questions. The history of our parent country furnishes many examples of judges, learned and eminent, whose extra-judicial opinions were sought and obtained by the government for the purpose of crushing out the rising spirit of liberty among the people.

Indeed, for the character of the judicial ermine, it is to be lamented that judges of distinguished legal attainments, have often been found giving countenance to oppression and wrong by ingenious and fanciful constructions, and that English liberty has been fixed upon its present firm foundations, not by the aid of judicial efforts, but by overcoming them. There is reason to hope that the extra-judicial opinions of the majority of the judges in the Dred Scott case, contrary as they are to the plain language of the constitution, to the facts of history, and to the dictates of common humanity, will meet the fate which has attended those of the judges in the parent country, and that liberty will be eventually established in spite of them.

The extraordinary persevering exertions which, during the past year, have been made by the chief magistrate of the nation to prevent the people of Kansas from excluding slavery from their soil, by imposing upon them a constitution which he well knew they loathed and abhorred, furnishes new and alarming evidence of the aggressive character of the slave power which controlled him, and shows that the principles of justice and of popular sovereignty stand no more in the way of its demands for political domination than do those of the constitution. The near approach to success, by congressional legislation, of this attempt to stifle the will of the great majority of the people of Kansas, is calculated to excite strong distrust in the continued success of our republican institutions; for if the principles of right and justice, by the influence of government patronage and party discipline, can be thus outraged and overcome, our boasted democracy will be but another name for despotism. It is, however, matter of just pride and congratulation, that these efforts to impose a slave constitution on an unwilling people, have as yet proved unsuccessful, and that the people of that rich and growing territory, boldly defying the threats of executive power and nobly spurning the offered bribes of government patronage and lands, have by an overwhelming majority declared their love of freedom and their abhorrence of slavery. The people of Vermont, mindful of the history of its early settlers in their struggle against in-

justice and oppression from without, have deeply sympathized in the extraordinary and protracted sufferings of the people of Kansas in the cause of liberty and right, and now greet them on the favorable prospect of a happy and successful termination of their patriotic labors.

But I must now bring this communication, which has already occupied more space than I had intended, to a close. In the exercise of the extensive powers, both of appointment and legislation, with which you are entrusted, I have no reason to doubt that you will be guided by a sincere desire to promote the happiness and welfare of the people, and bringing with you from all parts of the state an intimate knowledge of their situation and wants, I cannot but anticipate that the result of the labors of the session, which you are now about commencing, will be favorable to your constituents and honorable to yourselves.

HILLAND HALL.

EXECUTIVE CHAMBER, }
MONTPELIER, OCT. 15, 1858. }

The President announced his appointment of the following Committees, to wit :

Committee to canvass votes for County Officers,

| | |
|---------------------------|-------------------|
| <i>Bennington County,</i> | Senator BILLINGS, |
| <i>Windham County,</i> | CLARK, |
| <i>Rutland County,</i> | RUMSEY, |
| <i>Windsor County,</i> | WILDER, |
| <i>Addison County,</i> | NASH, |
| <i>Orange County,</i> | BILL, |
| <i>Chillenden County,</i> | CHITTENDEN, |
| <i>Washington County,</i> | POLAND, |
| <i>Caledonia County,</i> | DAVIS, |
| <i>Franklin County,</i> | WEAD, |
| <i>Orleans County</i> | WORTHINGTON, |
| <i>Essex County,</i> | FRENCH, |
| <i>Lamoille County,</i> | GLEED, |
| <i>Grand Isle County,</i> | PHELPS, |

Committee to canvass votes for Members of Congress,

| | |
|---------------------------|----------------|
| <i>Bennington County,</i> | Senator STARK, |
| <i>Windham County,</i> | HARRIS, |
| <i>Rutland County,</i> | EVERTS, |
| <i>Windsor County,</i> | RAYMOND, |
| <i>Addison County,</i> | NASH, |
| <i>Orange County,</i> | BARTHOLOMEW, |
| <i>Chittenden County,</i> | TUTTLE, |
| <i>Washington County,</i> | PUTNAM, |
| <i>Caledonia County,</i> | CHADWICK, |
| <i>Franklin County,</i> | SMITH, |
| <i>Orleans County,</i> | WORTHINGTON, |
| <i>Essex County,</i> | FRENCH. |
| <i>Lamoille County,</i> | GLEED, |
| <i>Grand Isle County,</i> | PHELPS, |

Committee on Rules, Mr. GLEED,
BILL, and
PUTNAM.

Committee on Joint Rules, Mr. NASH, and
WILSON.

Committee on Printing, Mr. HATCH,
POLAND, and
CHADWICK,

On motion of Mr. DAVIS,
The Senate adjourned.

AFTERNOON.

Mr. CHITTENDEN, offered the following Resolution which was read and adopted,

Resolved, That when the Senate adjourns, it adjourn to meet on Monday morning at eleven o'clock.

On motion of Mr. CHITTENDEN,
The Senate adjourned.

MONDAY MORNING, OCTOBER, 18.

Prayer by the Chaplain.

The Journal of Saturday was read and approved.

The Committee heretofore appointed to canvass the votes given in the several Congressional Districts, and to declare those persons elected to represent this State in the Congress of the United States having a majority of all the votes in the respective Districts. Also the Committee appointed to examine the certificates of votes given in each County for County and Probate District officers, were severally sworn by the Secretary.

Mr. BUTLER offered the following Joint Resolution which was read and adopted,

Resolved, By the Senate and House of Representatives, That the two Houses meet in Joint Assembly at ten o'clock on Wednesday morning next, to elect a

Secretary of State,
Sergeant at Arms,
Auditor of Accounts,
Superintendent of the State Prison,
Three Directors of the State Prison,
Commissioner of the Insane,
Bank Commissioner,
Railroad Commissioner,
Adjutant and Inspector General,
Quarter Master General, and
Judge Advocate General,

for the year ensuing.

Mr. RAYMOND offered the following Resolution which was read,

Resolved, By the Senate and House of Representatives, That the two Houses meet in Joint Assembly at half past two o'clock

P. M. on Tuesday next to hear the report of the Committee appointed to canvass the votes for County and Probate District officers; also to hear the report of the Committee appointed to canvass the votes for members of Congress.

On motion of Mr. EVERTS it was laid on the table.

(S. 1) Mr. EVERTS introduced a bill entitled: An Act repealing an Act relating to Savings Banks, approved November 10, 1857, which was read twice and referred to the Committee on Printing.

On motion of Mr. CLARKE, it was

Resolved, That so much of the Governor's Message as relates to our laws on the subject of the attachment of property on *mesne process*, giving priority of lien to the first attaching creditor, be referred to the Committee on the Judiciary, with instructions to report thereon, by bill or otherwise.

Mr. GLEED was by his own request, on motion of Mr. DAVIS, excused from serving upon the Committee on Military Affairs.

Mr. MASON was on motion of Mr. WILSON, elected Chairman of the Committee on Military Affairs in place of Mr. GLEED, excused.

(S. 2.) Mr. NICHOLSON introduced a bill entitled: An Act relating to Justices of the Peace, Notaries Public, and Masters in Chancery, which was read twice and referred to the Committee on Printing.

(S. 3.) Mr. DAVIS introduced a bill entitled: An Act relating to the Travel of Witnesses, which was read twice and referred to the Committee on Printing.

(S. 4.) Mr. GLEED introduced a bill entitled: An Act repealing Section one of an Act approved Nov. 11, 1857, entitled An Act in alteration of, and in addition to Chapter Seventy-Eight of the Compiled Statutes entitled "Pedlars," which was read twice and referred to the Committee on Printing.

On motion of Mr. WILSON it was

Ordered, That so much of the Governor's Message as relates to Banks, be referred to the Committee on Banks.

On motion of Mr. TUTTLE,

The Senate adjourned.



AFTERNOON.

On motion of Mr. CHITTENDEN the vote by which the Senate this morning adopted a Resolution for a meeting of the Joint Assembly at ten o'clock on Wednesday morning next to elect a Secretary of State and other officers in said Resolution named, was reconsidered.

The question being on the adoption of the Resolution, Mr. CHITTENDEN moved an amendment thereto by striking out the words "Rail Road Commissioner," which was agreed to, and the Resolution, as amended, adopted,

Mr. DAVIS introduced the following Resolution which was read and adopted,

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of providing for the compensation of the Clerks of the several Courts and States' Attorneys by salaries, and what alteration ought to be made in relation to costs heretofore taxed by said officers as a mode of compensation, and that said Committee report to the Senate by Bill or otherwise.

A message was received from the House by Mr. CUMMINGS, their Clerk, as follows:

Mr. PRESIDENT:

The House have adopted on their part the Joint Rules reported by the Joint Committee for that purpose.

Mr. NASH for the Committee on Joint Rules submitted the following Report, of Joint Rules, and the same was adopted.

TO THE HONORABLE SENATE NOW IN SESSION :

Your Committee appointed to join the House Committee and report Joint Rules for the Senate and House of Representatives report the following

JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

1.

A Joint Assembly shall be formed by a Union of the Senate and House of Representatives in the Hall of the latter, at such time and for such specific purpose only, as may be expressed in a concurrent resolution of both Houses ; and may adjourn from time to time during the session of the General Assembly ; and the Secretary of State, or in his absence the Secretary of the Senate, shall officiate as Clerk of every Joint Assembly.

2.

The proceedings of every Joint Assembly, including the resolution ordering the same, shall be recorded by the Clerk in a book kept for that purpose, which shall be preserved in the office of the Secretary of State, a copy of which shall be furnished to the Governor by the Secretary of State, and shall also be published with the Journal of the proceedings of the House of Representatives.

3.

The rules of the Senate, so far as applicable, shall be observed in regulating the proceedings of every Joint Assembly.

4.

A Joint Committee of three Senators and three Representatives shall be appointed by the presiding officers of the two Houses respectively, to whom may be referred all documents transmitted by the Governor for the use of the General Assembly, who shall report thereon to that House from which they were received.

5.

The Committees of the Senate and House of Representatives, to whom the same subject matter shall have been referred, may,

for the purpose of facilitating business, meet together as a Joint Committee, and make a joint or separate report to either or both Houses, as they may think expedient.

6.

In every case of disagreement between the Senate and House of Representatives, if either shall request a conference and appoint a Committee for that purpose, and the other House shall also appoint a Committee on its part, such Committee shall meet at a convenient hour, to be agreed upon by their chairmen, in the conference room, and state to each other, verbally or in writing, the reasons of each House for its vote on the subject matter of disagreement, confer freely thereon, and make a report of their doings to their respective Houses as soon as may be.

7.

Committees of Conference shall consist of an equal number from each House, and shall return the papers referred to them to that House which last voted upon the subject matter of disagreement.

8.

After each House shall have adhered to the vote of disagreement, a Bill or Resolution shall be lost.

9.

When Bills are on their passage between the two Houses, they shall be verified by the attestation of the Secretary or Clerk of each House respectively, and all Joint Resolutions shall be fairly engrossed after their passage, in the House in which they originate, and shall, when finally passed be signed by the presiding officers of both Houses in the same manner as Bills.

10.

After Bills have passed both Houses, and a certificate showing the one in which they respectively originated, has been duly endorsed thereon, they shall be delivered to a Joint Standing Committee of two Senators and two members of the House of Representatives, to be designated the *Committee on Bills*, who shall make careful examination, and see that they are cor-

rectly engrossed, and when satisfied of their accuracy, shall present them, first to the Speaker of the House of Representatives, and then to the President of the Senate, for their official signatures and having obtained them, they shall forthwith deliver them to the Governor for his approval, and shall make a true report to both Houses of the day on which such Bill was delivered to the Governor, which shall be duly entered upon the Journal of each House.

11.

A Joint Committee of two Senators and two Representatives shall be appointed by the presiding officers of the two Houses respectively, at the commencement of the Session, to be designated the *Committee on Joint Rules*.

12.

When a Bill or Resolution, which shall have passed one House, is rejected in the other, notice thereof shall be given to the House in which the same shall have passed: and all such rejected Bills or Resolutions, with the accompanying papers, shall be returned to, and left in, the custody of the House which first acted on them.

13.

Each House shall transmit to the other all papers on which any Bill or Resolution shall be founded; and should any Bill or Resolution pass both Houses, the same papers shall be delivered to the Governor.

14.

No Bill which shall have passed one House shall be sent for concurrence to the other, on either of the last two days of the Session.

All which is respectfully submitted by

SAMUEL P. NASH, for Committee.

Mr. GLEED, for the Committee on Rules, made a Report and the Rules therein submitted were adopted as the Rules of the Senate, to wit:

RULES OF THE SENATE.

1.

The credentials of Senators shall be presented to the Secretary or Assistant Secretary, previous to ten o'clock in the morning of the second Thursday of October, at which time the Senate shall be called to order. The names of the Senators shall be called over, and when a quorum shall have taken their seats, they shall, having first taken the necessary oaths, on nomination of the President, appoint a Canvassing Committee, consisting of one Senator from each county, to join such Committee as the House of Representatives may appoint, whose duty shall be to receive, sort and count the votes for Governor, Lieutenant Governor and Treasurer, and make report thereof to the Joint Assembly of both Houses.

2.

The Senate shall meet every day (Sundays excepted,) at ten o'clock in the morning, and two o'clock in the afternoon, unless otherwise specially ordered.

3.

The President having taken the chair, and a quorum being present, the Journal of the preceding day shall be read, and all the errors therein corrected.

4.

In case no quorum shall assemble within fifteen minutes after the time to which the Senate was adjourned, those present shall have the power to send the Sergeant-at-arms, or other officer, after the absentees and compel their attendance.

5.

Whenever the Senate shall assemble, according to adjournment, or at the commencement of a Session, and the President shall be absent, it shall be the duty of the Secretary, if present, if not, of a Senator, to call to order; and the Senators present, if a quorum, shall, by ballot, elect a President pro tempore.

6.

No Senator shall be absent without leave, unless he is sick or otherwise necessarily detained.

7.

No Senator shall audibly speak to another, or otherwise interrupt the business of the Senate, while the Journals or other public papers are being read, or while a Senator is orderly speaking in debate.

8.

Every Senator when he speaks, shall, standing in his place, address the President, and when he has finished, shall sit down.

9.

No member shall speak more than twice on the same question, without leave of the Senate ; and Senators who have once spoken shall not again be entitled to the floor, (except for the purpose of explanation,) to the exclusion of another who has not spoken.

10.

In all cases, the Senator first rising and addressing the President, (subject to the restriction of Rule 9,) shall be entitled to the floor, and when two or more arise at the same time, the President shall name the one who is to speak.

11.

When a Senator shall be called to order, he shall sit down ; and every question of order shall be decided by the President without debate, subject to an appeal to the Senate.

12.

If a Senator be called to order for words spoken, the exceptionable words shall be immediately taken down in writing by the Senator calling to order, that the President may be better enabled to judge of the matter.

13.

The first hour of each morning's sitting may be devoted to the reception and disposal of petitions, memorials, and remonstrances, motions, resolutions, and the introduction of bills ; after which, the orders of the day, or other proper business, shall be announced, always commencing with the unfinished business of the last sitting. The first hour of the afternoon's sitting may be occupied in the receiving and disposing of re-

ports of committees, and in completing the business of the morning hour ; at the expiration of which, the Senate will again take up the orders of the day.

14.

Reports of Committees may be signed by any member in behalf of the committee, and shall be by him presented to the Senate when the call for reports is made. The signer of each report shall be held responsible for the accuracy of its statements and the propriety of its language, and when the same shall be under consideration, he shall be further liable to give additional statements of facts or other explanations in answer to the call of any Senator.

15.

The proceedings of the Senate, except when acting as in Committee of the Whole, embracing the titles of bills and such parts thereof as may be affected by proposed amendments, and also, the names of Senators, and the votes which they give on every question decided by yeas and nays, shall be by the Secretary accurately and concisely inserted in the Journal.

16.

The Senate shall annually, within the first four days of actual sitting, elect, by ballot, (and a majority of all present shall be necessary to a choice,) a Secretary, and an Assistant Secretary who shall be ex-officio engrossing clerk, who shall be severally sworn to the faithful discharge of their duties, and shall hold said offices until superceded by a new election.

The Senate shall also, within the same time, elect the following Standing Committees, to consist of three members each, to wit :

- A Committee on Rules.
- A Committee on Finance.
- A Committee on the Judiciary.
- A Committee on Claims.
- A Committee on Education.
- A Committee on Agriculture.
- A Committee on Manufactures.

- A Committee on Elections.
- A Committee on Military Affairs.
- A Committee on Roads.
- A Committee on Banks.
- A Committee on Land Taxes.
- A Committee on Printing.
- A General Committee.

17.

In the appointment of Standing Committees, (except the one mentioned in Rule 1,) the Senate will proceed by ballot, severally to appoint the chairman of each; and then, by one ballot, the other members necessary to complete the same. In the election of a chairman a majority of votes given shall be necessary, but for the others a plurality shall be sufficient. All select committees shall be appointed by the President, unless otherwise ordered by the Senate.

18.

All bills after the second reading, and all petitions, memorials, remonstrances, resolutions, and other papers calling for legislative action, (except such as have been reported by a committee,) no objection being made, shall be referred by the President to appropriate committees.

19.

Before any resolution, any petition, or other paper, addressed to the Senate, shall be received and read, whether the same shall be introduced by the President or a Senator, the title shall be fairly endorsed thereon, and a brief statement of its objects or contents shall be made by the introducer.

20.

Every motion shall be reduced to writing by the mover, if required thereto by the President or a Senator; and a motion to lay another motion, the latter not being in writing, on the table or otherwise to dispose of it, shall not be in order.

21.

Every bill shall receive three readings before it is passed; the President shall give notice at each reading whether it be the first, second or third; the last of which readings of public bills

shall be at least twenty-four hours after the first reading, unless the Senate unanimously direct otherwise. Provided, that private bills shall be read the second time by their titles. Resolutions requiring the approbation and signature of the Governor, shall be treated in all respects as bills; and the third reading of all bills of a public nature shall be ordered for some particular day.

22.

On motion of a Senator, public bills, after the second reading, may be referred to a Committee of the Whole.

23.

The final question upon the second reading of every bill which originated in the Senate shall be, "Shall this bill be engrossed and read the third time?" No amendment shall be received at the third reading, but it may be committed for amendment at any time before its final passage.

24.

Motions on bills and resolutions shall be sustained in the following order: 1. To postpone indefinitely. 2. To lay upon the table. 3. To commit. 4. To amend.

25.

A call for the previous question shall not at any time be in order. A motion to adjourn shall always be in order and shall be decided without debate.

26.

If the question in debate contains several points, the same may be divided on the demand of a Senator. A motion to strike out and insert shall not be divided, but the rejection of a motion to strike out and insert one proposition shall not preclude a motion to strike out and insert a different one, or a motion simply to strike out; nor shall the rejection of a motion simply to strike out, prevent a subsequent one to strike out and insert.

27.

In filling blanks the largest sum and the longest time shall be first in order.

28.

When the reading of a paper is called for, and the same is objected to by a Senator, the question shall be determined by a vote of the Senate.

29.

The yeas and nays shall be taken on the call of a Senator, and every Senator present shall vote unless excused by the Senate; but no Senator shall be compelled to vote who was absent when the question was stated by the President, nor shall any one be permitted to vote who was absent when his name was called, nor after the decision of the question has been announced from the chair.

30.

No Senator in the minority, nor one who did not vote on the decision of a question, shall have a right to move a reconsideration thereof; nor shall any motion for reconsideration be in order unless made before the close of the next day of actual sitting of the Senate, after that in which the vote was taken, and before the bill, resolution, report, amendment, address or motion, upon which the vote was taken, shall, in the regular progress of business, have gone out of the possession of the Senate.

31.

On all questions, in the decision of which a simple majority is required, when the Senate is equally divided, the Secretary shall take the casting vote of the President. In all such cases, a motion for reconsideration, if made in time, shall be in order from any Senator who voted on the question.

32.

The President shall have the right to call upon any Senator to discharge the duties of the chair, whenever he shall find it necessary temporarily to retire; but such substitution shall not extend beyond more than one adjournment.

33.

The Senate having taken the final vote on any question, the same shall not again be in order during the same session, in

any form whatever, except by way of reconsideration ; and when a motion for reconsideration has been decided, that decision shall not be reconsidered.

34.

No proposition to amend the rules of the Senate, or the Joint Rules of both Houses, shall be acted on until the same shall have been before the Senate at least twenty-four hours.

35.

Messages shall be sent to the House of Representatives by the Secretary or Assistant Secretary.

36.

Reporters may be placed on the floor of the Senate, under the direction of the Secretary, with the approbation of the President,

37.

No person shall be admitted within the lobby of the Senate Chamber, except the Governor, Treasurer of the State, Auditor of Accounts, members of the other House, Judges of the Supreme Court, Circuit Judges, Senators and Representatives in Congress, Ex-Governors and Lieutenant Governors, Ex-Judges of the Supreme Court, Ex-Senators of the State Senate, District Judge and Attorney of the United States, members of other State Legislatures, Clerk and Assistant Clerk of the House of Representatives, and the Secretary of Civil and Military Affairs, and such ladies and gentlemen as the President or a Senator may introduce.

38.

When in session the Senators shall sit with their heads uncovered.

39.

Upon any disorderly conduct in the gallery, the President may order the same to be cleared.

40.

Whenever a bill or resolution is laid on the table, by order of the Senate, and shall have remained on the table twenty-four hours, it shall be subject to be taken up by the Chair, and

presented for the consideration of the Senate, without a call or order on the subject.

41.

There shall be one Door-Keeper and one Assistant Door-Keeper of the Senate : and the Secretary may appoint a boy to attend in the Senate Chamber.

42.

CHOICE OF SEATS.

At nine o'clock on the morning of the first day of the Session, and before the Senate shall be called to order, the Secretary shall place in a box, prepared for the purpose, fourteen ballots, designating by name the several counties in the State, and shall proceed to draw therefrom, impartially, one ballot at a time, until all are drawn. And as each ballot is drawn, the Senator, or Senators, from the county designated by such ballot, shall, personally, if present, or may, by proxy, if absent, select his or their seat or seats. If any Senator, or Senators, from any county so drawn, should not be present, either personally, or by proxy, at the time of such drawing, the county next drawn shall have the preference.

(S. 5.) Mr. DAVIS introduced a bill entitled : An Act for the relief of married women, which was read twice and referred to the Committee on Printing.

Mr. HATCH, for the Committee on Printing, to which were referred the bills severally entitled : (S. 1.) An Act repealing an Act relating to Savings Banks, approved November 10, 1857. (S. 4.) An Act repealing Section 1 of an Act approved November 11, 1857, entitled : An Act in alteration of, and in addition to Chapter 78 of the Compiled Statutes, entitled "Pedlars" reported adverse to the printing thereof, and they were severally referred : (S. 1.) To the Committee on Banks. (S. 4.) To the Committee on the Judiciary.

Mr. HATCH for the Committee on Printing to which were severally referred the bills entitled : (S. 3.) An Act relating

to the travel of witnesses. (S. 2.) An Act relating to Justices, Notaries Public and Masters in Chancery, reported the same and recommended that three hundred copies of each be printed. Said bills were severally ordered to lie, and that three hundred copies of each be printed for the use of the Senate.

(S. 6.) Mr. WILSON introduced a bill entitled: An Act for the relief of St. Albans Bank; which was read twice and referred to the Committee on Banks.

(S. 7.) Mr. FRENCH of Windsor, introduced a bill entitled: An Act in relation to Depositions, which was read twice and referred to the Committee on Printing.

Mr. FRENCH of Windsor, offered the following Resolution, which was read,

Resolved, By the Senate and House of Representatives, That the two Houses meet in Joint Assembly, at two o'clock in the afternoon, on Wednesday next, to elect Judges of the Supreme Court for the year ensuing.

And on motion of Mr. CHITTENDEN it was laid on the table.

(S. 8.) Mr. RAYMOND introduced a bill entitled: An Act in relation to the mortgaging of Personal Property, which was read twice and referred to the Committee on Printing.

(S. 9.) Mr. BARTHOLOMEW introduced a bill entitled: An Act relating to Banks, which was read twice and referred to the Committee on Printing.

Mr. HATCH for the Committee on Printing, to which were severally referred bills entitled: (S. 7.) An Act in relation to Depositions. (S. 8.) An Act in relation to the mortgaging of Personal Property, and (S. 9.) An Act relating to Banks, reported the same and recommended that three hundred copies of each be printed. Said bills were laid on the table and three hundred copies of each ordered to be printed for the use of the Senate.

On motion of Mr. DAVIS,

The Senate adjourned.

TUESDAY MORNING, OCTOBER, 19.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

Mr. BATHOLOMEW offered the following Resolution which was read and adopted,

Resolved, That so much of the Governor's Message as relates to the State Prison be referred to a Select Committee of three Senators.

(S. 10.) Mr. EVERTS introduced a bill entitled: An Act in addition to an Act relating to Justices of the Peace, which was read twice and referred to the Committee on Printing.

(S. 11.) Mr. NICHOLSON introduced a bill entitled: An Act for the surrender of Fugitives from Service, which was read twice, and referred to the Committee on Printing.

A message was received from the Governor, by Mr. DAVIS, Secretary of Civil and Military Affairs, as follows,

Mr. PRESIDENT:

I am directed by the Governor to transmit to the Senate a communication in writing, with an accompanying document.

The communication was read and is as follows,

HONORABLE BURNHAM MARTIN,

PRESIDENT OF THE SENATE,

SIR: In compliance with the act of the General Assembly providing for the erection of a monument over the grave of Eathan Allen, at Burlington, passed November 14, 1855, Gov. Royce, then Chief Magistrate of the State, appointed the Hon. John N. Pomeroy and the Hon. George P. Marsh, a committee to carry its provisions into effect.

I have now the honor of transmitting to you for the use of the General Assembly, the report* of these gentlemen, show-

* See Appendix,

ing the manner in which they have performed the duties assigned them, and containing a description of the monument which they have caused to be erected.

Having visited and examined the monument, I cannot on this occasion withhold the expression of my admiration of the taste and judgment shown by the committee both in the design and construction of the work, as well as in the inscriptions placed upon it. It is indeed, in my estimation, a monument which does credit to those concerned in its erection and to the State, and is not unworthy the high renown of him whose deeds it commemorates.

HILAND HALL.

EXECUTIVE CHAMBER, }
October 19, 1858 }

The Report* named in the foregoing communication was read, and on motion of Mr. CHITTENDEN, it was

Ordered, That it be laid on the table and that the Secretary procure one thousand copies to be printed for the use of the Senate.

A message was received from the House by Mr. HINCKLEY, their Assistant Clerk, as follows:

MR. PRESIDENT:

The House have considered a Joint Resolution from the Senate fixing the time for the election of Secretary of State and other officers, and have adopted the same in concurrence with proposals of amendment.

The House have on their part adopted a Joint Resolution fixing a time for the Joint Assembly to hear the report of the committee appointed to canvass the votes for County and Probate District Officers.

In the adoption of which Resolution I am directed to request the concurrence of the Senate.

The amendments proposed by the House to the Joint Resolution for a meeting of Joint Assembly to elect Secretary of State and other officers therein mentioned, (which were to strike out in the second line the word 'ten' and insert the words

* See Appendix.

'half past two,' also strike out in the third line the words 'Wednesday morning' and insert the words 'Thursday afternoon,') were adopted in concurrence.

The following Resolution from the House was read and adopted in concurrence, to wit:

Resolved, By the Senate and House of Representatives, That both Houses meet in Joint Assembly on Thursday morning at ten o'clock to hear the report of the committee appointed to canvass the votes of the freeman of the several Counties for County Officers, Judges of Probate and Justices of the Peace, and elect such of those officers, as it may be found necessary to elect.

(S. 12.) Mr. WILSON introduced a bill entitled: An Act in addition to Chapter 38 of the Compiled Statutes in relation to the Action of Ejectment, which was read twice and referred to the Committee on Printing.

(S. 13.) Mr. GLEED introduced a bill entitled: An Act relating to Witnesses, which was read twice and referred to the Committee on Printing.

(S. 14.) Mr. FRENCH, of Windsor, introduced a bill entitled: An Act in amendment of Section 6 of Chapter 40 of the Compiled Statutes, which was read twice and referred to the Committee on Printing.

The President announced his appointment of Committees, to wit:

Joint Standing Committee on part of Senate, under Fourth Joint Rule,

Senators BARTHOLOMEW,
HATCH,
WEAD.

On Bills, Senators RAYMOND,
PUTNAM.

On Library, Senators WORTHINGTON,
BILL.

Select Committee raised under the Resolution to refer so much of the Governor's Message as relates to the State Prison,

Senators BARTHOLOMEW,
MASON, and
FRENCH, of Essex.

Bills entitled, (S. 2.) An Act relating to Justices of the Peace, Notaries Public and Masters in Chancery, (S. 5.) An Act for the relief of Married Women, (S. 3.) An Act relating to the Travel of Witnesses, (S. 7.) An Act in relation to Depositions, (S. 8.) An Act in relation to the mortgaging of Personal Property, having been printed, were severally taken up and referred to the Committee on the Judiciary.

(S. 15.) Mr. GLEED introduced a bill entitled: An Act relating to Witnesses, which was read twice and referred to the Committee on Printing.

Mr. HATCH for the Committee on Printing to which were referred bills entitled, (S. 11.) An Act for the surrender of Fugitives from Service, also (S. 12.) An Act in addition to Chapter 38 of the Compiled Statutes in relation to the Action of Ejectment, reported the same and recommended that three hundred copies be printed, and the bills were laid on the table and the printing of the three hundred copies of each directed.

On motion of Mr. POLAND,

The Senate adjourned.

AFTERNOON.

The PRESIDENT laid before the Senate the following communication,

HON. B. MARTIN,

PRESIDENT OF THE SENATE:

SIR:—I have the honor to present the name of MARVIN W. DAVIS, of Athens, for the office of Door Keeper of the Senate, and HENRY F. FIELD, of Brandon, for Assistant Door Keeper.

E. S. CAMP, *Sergeant-at-Arms*.

By the Secretary, GEORGE H. HOUGHTON, of Putney, was appointed Messenger

Said appointments were approved by the President.

(S. 16.) Mr. CHITTENDEN introduced a bill entitled: An Act in relation to protests of Bills of Exchange, Drafts, Checks, and Promissory Notes, which was read twice and referred to the Committee on Printing.

(S. 4.) Mr. CHITTENDEN for the Committee on the Judiciary to which was referred the bill entitled: An Act repealing Section One of an Act approved November 11, 1857, entitled: An Act in alteration of and in addition to Chapter 78 of the Compiled Statutes, entitled "Pedlars," reported the same, and asked that the Committee be discharged from further consideration thereof.

Said Committee were discharged agreeably to their request, and the bill referred to the General Committee.

Mr. HATCH for the Committee on Printing, to which were referred the bills entitled, (S. 10.) An Act in addition to an Act relating to Justices of the Peace, and (S. 16.) An Act relating to Protests of Bills of Exchange, Drafts, Checks, and Promissory Notes, reported the same and recommended that three hundred copies of each be printed. And said bills were laid on the table and three hundred copies of each ordered to be printed.

Mr. HATCH for the Committee on Printing to which were severally referred bills entitled: (S. 13.) An Act relating to Witnesses, (S. 14.) An Act in amendment of Section 6 of Chapter 40 of the Compiled Statutes, (S. 15.) An Act relating to Witnesses, reported adverse to the printing thereof, and said bills were each referred to the Committee on the Judiciary.

Mr. EVERTS offered the following Resolution which was read and adopted,

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of so amending the law of the last Session of the Legislature as to provide for the election of one additional Judge of the Supreme Court, and report by bill, or otherwise.

(S. 17.) Mr. HATCH introduced a bill entitled: An Act in relation to Engine Companies, which was read twice and referred to the Committee on Printing.

(S. 18.) Mr. WEAD introduced a bill entitled: An Act altering the name of Samuel Sheldon Carlisle, which was read twice and referred to the General Committee.

On motion of Mr CHITTENDEN,

The Senate adjourned.

WEDNESDAY MORNING, OCTOBER, 20.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

Mr. SANFORD, a Senator elect from the County of Addison, appeared at the bar of the Senate, was sworn by the Secretary and took his seat.

(S. 17.) Mr. HATCH for the Committee on Printing to which was referred the bill entitled: An Act in relation to Engine Companies, reported the same, and with the opinion that it ought not to be printed, and the bill was referred the Committee on Land Taxes.

(S. 19.) Mr. CLARKE introduced a bill entitled: An Act to annex a part of the town of Somerset to the town of Wilmington and a part thereof to the town of Stratton, which was read twice and referred on motion of Mr. WILDER, to a Select Committee composed of the Senators from Windham County.

(S. 20.) Mr. WILSON introduced a bill entitled: An Act relating to proceedings in Suits at Law, which was read twice and referred to the Committee on Printing.

(S. 21.) Mr. HATCH introduced a bill entitled: An Act in amendment of Section Sixty-Seven, Chapter 31 of the Compiled Statutes in relation to Arrests, which was read twice and referred to the Committee on Printing.

(S. 22.) Mr. CHADWICK introduced a bill entitled: An Act relating to Stocks in corporations without this State, which was read twice and referred to the Committee on Printing.

(S. 14.) Mr. CHITTENDEN for the Committee on the Judiciary to which was referred the bill entitled: An Act in amendment of Section 6, of Chapter 40 of the Compiled Statutes, reported the same, and it was

Ordered, That the bill be engrossed and read the third time to-morrow morning.

On motion of Mr. PUTNAM,

The Senate adjourned.

AFTERNOON.

(S. 20.) Mr. HATCH for the Committee on Printing to which was referred the bill entitled: An Act relating to proceedings in Suits at Law, reported the same and recommended that three hundred copies be printed. Said bill was laid on the table and three hundred copies ordered to be printed.

(S. 21.) Mr. HATCH for the Committee on Printing to which was referred the bill entitled: An Act in amendment of Section 67, Chapter 31 of the Compiled Statutes in relation to Arrests, reported adverse to printing the same, and said bill was referred to the Committee on the Judiciary. Also the bill (S. 22.) entitled: An Act relating to Stocks in corporations without this State, which was referred to the Committee on Banks.

(S. 9.) The bill entitled : An Act relating to Banks, was taken up and referred to the Committee on Banks.

(S. 12.) The bill entitled : An Act in addition to Chapter Thirty-Eight of the Compiled Statutes in relation to the Act tion of Ejectment, was taken up and referred to the Committee on the Judiciary.

(S. 11.) The bill entitled : An Act for the surrender of Fugitives from Service, was taken up and on motion of Mr. CHITTENDEN, referred to the General Committee.

(S. 6.) Mr. DAVIS, for the Committee on Banks, to which was referred the bill entitled : An Act for the relief of the St. Albans Bank, reported the same without amendment, and recommended its passage. On motion of Mr. CHITTENDEN, said bill was ordered to lie.

(S. 15.) Mr. CHITTENDEN for the Committee on the Judiciary to which was referred the bill entitled : An Act relating to witnesses, reported the same, without amendment, and with the opinion that it ought not to pass.

On motion of Mr. GLEED, it was,

Ordered, That said bill be laid on the table.

(S. 23.) Mr. SMITH introduced a bill entitled : An Act to pay Lorenzo James, the sum therein named, which was read twice and referred to the Committee on Claims.

(S. 15.) Mr. GLEED called up the bill entitled : An Act relating to Witnesses, and the question being, Shall the bill be engrossed and read the third time ?

Mr. NICHOLSON moved to amend the bill by inserting after the word *all* and before the word *questions* in the 6th line of Section One, the word *proper*. Said motion being reduced to writing, on motion of Mr. CHITTENDEN, it was

Ordered, That the bill and proposed amendment be laid on the table.

A message was received from the House, by Mr. WILLIAMS, their Assistant Clerk, as follows :

Mr. PRESIDENT :

The House have on their part adopted a Joint Resolution relative to the Chair presented by Capt. H. B. Sawyer to the State of Vermont.

In the adoption of which Resolution I am directed to request the concurrence of the Senate.

The Resolution named in the foregoing message was read and is as follows :

Whereas, Captain H. B. Sawyer, United States Navy, has presented to the State a Chair, manufactured from the oak timber of the distinguished United States Frigate Constitution.

Resolved, therefore, By the Senate and House of Representatives, That the thanks of the General Assembly are hereby tendered to Captain Sawyer for this memorial, so suggestive of honorable and patriotic association and so aptly commemorative of the gallant bravery of the officers and men of the noble Frigate Constitution in the war of 1812.

Resolved, That the Sergeant-at Arms be directed to receive the Chair presented by Captain Sawyer, and cause it to be placed and kept in the Executive Chamber.

Resolved, That the Sergeant-at-Arms cause a silver plate to be fixed to the back of the chair, engraved with the following inscription :

THIS CHAIR,
MANUFACTURED FROM THE ORIGINAL OAK TIMBER OF THE UNITED
STATES FRIGATE CONSTITUTION,
WAS PRESENTED BY CAPTAIN H. B. SAWYER, U. S. NAVY,
who was a Midshipman on board of her, in the war of 1812,
TO HIS NATIVE STATE, VERMONT.

On motion of Mr. CLARKE, said Resolution was laid on the table.

On motion of Mr. DAVIS,

The Senate adjourned.

THURSDAY MORNING, OCTOBER 21.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

The hour having arrived for a meeting of the Joint Assembly, the Senate repaired to the Hall of the House of Representatives.

And having returned therefrom,

Mr. FRENCH of Essex, offered the following Resolution, which was read,

Resolved, That the Senate adjourn on Friday, the 22nd inst. at eleven o'clock in the forenoon, to meet again on Monday the 25th inst. at two o'clock in the afternoon.

And on motion of Mr. CHITTENDEN it was laid on the table.

(S. 24.) Mr. HATCH introduced a bill entitled: An Act in relation to Mortgages of Personal Property, which was read twice and referred to the Committee on Printing.

Mr. CLARKE called up the Joint Resolution relative to the Chair presented by Capt. H. B. Sawyer to the State. And the question being, "Shall the Resolution be adopted?"

Mr. STARK moved that the Senate propose to the House to amend said Resolution by adding the following,

Resolved, That the Governor be requested to communicate to Capt. H. B. Sawyer a copy of the foregoing.

Which motion was agreed to, and the Resolution adopted with said proposal of amendment.

A message was received from the House by Mr. CUMMINGS, their Clerk, as follows:

Mr. PRESIDENT:

The House have adopted a Joint Resolution providing for a Joint Assembly to elect a Railroad Commissioner.

Also a Joint Resolution providing for a Joint Assembly to hear the report of the Committee appointed to canvass the votes for Members of Congress.

In the adoption of which Resolutions I am directed to request the concurrence of the Senate.

The House have passed Bills of the following titles :

(H. 1.) An Act incorporating the Village of Brattleboro.

(H. 2.) An Act to alter the name of the National Life Insurance Company of the United States.

(H. 7.) An Act to enable School Districts more conveniently to collect their taxes.

(H. 14.) An Act to prevent persons from fraudulently burning their own buildings with intent to defraud Insurance Companies

(H. 32.) An Act authorizing the laying of Aqueducts across the land of other persons.

In the passage of which I am directed to request the concurrence of the Senate.

The House have passed a Joint Resolution providing for a temporary adjournment.

In the adoption of which I am directed to request the concurrence of the Senate.

The following Joint Resolution from the House was read,
Resolved, By the Senate and House of Representatives, That the two Houses meet in Joint Assembly on Wednesday next at two and one half o'clock P. M, to elect a Railroad Commissioner.

And on motion of Mr. SMITH, it was

Ordered, That the same be laid on the table.

The following Joint Resolution from the House was read and adopted,

Resolved, By the Senate and House of Representatives, That when the two Houses of the General Assembly adjourn on Friday afternoon, (the 22nd) they adjourn to meet on Tuesday next at ten o'clock A. M.

Joint Resolution from the House was read as follows :

Resolved, By the Senate and House of Representatives, That both Houses meet in Joint Assembly on Wednesday next at

ten and one half o'clock A. M. to hear the report of the Committee appointed to canvass the votes of the Freemen of Vermont for Representatives to Congress in the several Congressional Districts in this State.

And the same was adopted in concurrence.

(H. 1.) The bill from the House entitled: An Act incorporating the Village of Brattleboro, was read the first time, and on motion of Mr. BUTLER it was laid on the table.

(H. 2.) The bill from the House entitled: An Act to alter the name of the National Life Insurance Company of the United States, was read twice and referred to the General Committee.

(H. 7.) The bill from the House entitled: An Act to enable School Districts more conveniently to collect their taxes, was read twice and referred to the Committee on the Judiciary.

(H. 32.) The bill from the House entitled: An Act authorizing the laying of Aqueducts across the lands of other persons, was read twice and referred to the Committee on Agriculture.

(H. 14.) The bill from the House entitled: An Act to prevent persons from fraudulently burning their own buildings, with intent to defraud Insurance Companies, was read twice and referred to the Committee on the Judiciary.

Senate bills entitled: (S. 20.) An Act relating to proceedings in Suits at Law, (S. 10.) An Act in addition to an Act relating to Justices of the Peace, and (S. 16.) An Act in relation to protests of Bills of Exchange, Drafts, Checks, and Promissory Notes, were severally taken up and referred to the Committee on the Judiciary.

(H 1.) Mr. WILSON called up the bill from the House entitled: An Act incorporating the Village of Brattleboro, and moved to refer the same to a Select Committee consisting of the Senators from Windham County.

Which motion was agreed.

(S. 14.) The engrossed bill entitled: An Act in amendment of Section 6 of Chapter 40 of the Compiled Statutes, was read the third time and passed.

(S. 24.) Mr. HATCH for the Committee on Printing, to which was referred the bill entitled : An Act in relation to Mortgages of Personal Property, reported the same and recommended that three hundred copies be printed. And said bill was laid on the table and three hundred copies ordered to be printed.

(S. 21.) Mr. CHITTENDEN for the Committee on the Judiciary to which was referred the bill entitled : An Act in amendment of Section 67, Chapter 31 of the Compiled Statutes in relation to Arrests, reported the same and with the opinion that it ought not to pass.

On motion of Mr. DAVIS, it was

Ordered, That said bill be indefinitely postponed.

(S. 8.) Mr. CHITTENDEN for the Committee on the Judiciary to which was referred the bill entitled ; An Act in relation to the Mortgaging of Personal Property, reported the same and with the opinion that it ought not to pass.

On motion of Mr. CLARKE, it was

Ordered, That the bill be indefinitely postponed.

(S. 7.) Mr. CHITTENDEN for the Committee on the Judiciary to which was referred the bill entitled : An Act in relation to Depositions, reported the same and with the opinion that it ought to pass.

On motion of Mr. GLEED, it was

Ordered, To be laid on the table.

On motion of Mr. NASH,

The Senate adjourned.

AFTERNOON.

(H. 2.) Mr. NICHOLSON, for the General Committee to which was referred the bill entitled : An Act to alter the name of the National Life Insurance Company of the United States, reported the same, and with the opinion that the bill ought to pass.

Said bill was read the third time and passed.

Mr. GLEED, offered the following Resolution, which was read and adopted :

Resolved, That the Committee on Printing, be, and are hereby directed to procure for the use of the Senate three hundred printed copies of Senate bill, No. 15, entitled : An Act relating to Witnesses.

(S. 3.) Mr. CHITTENDEN, for the Committee on Judiciary to which was referred the bill entitled : An Act relating to the travel of Witnesses, reported the same with a proposal of amendment, and with the opinion that said bill, if amended as proposed, ought to pass.

The amendment was, To strike out Section one and insert in lieu thereof, "Section 1. No party shall be allowed to tax more than the sum of ——— for travel, without the limits of this State, of any Witness who shall attend before any Court within this State."

Mr. DAVIS, moved that the blank be filled by inserting the words "one dollar and fifty cents."

Mr. WILSON, moved that the blank be filled by inserting the words, "five dollars," which was agreed to.

Mr. GLEED, moved the following amendment,

Strike out of the bill as amended, the words in Section 1. "without the limits of this State."

Which motion was disagreed to.

And the question being—Shall the bill be engrossed and read the third time ?

It was decided in the affirmative : $\left\{ \begin{array}{l} \text{Yeas 23,} \\ \text{Nays 5.} \end{array} \right.$

The Yeas and Nays being demanded by Mr. CHITTENDEN, were taken and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, BILL, BILLINGS, BUTLER, CHADWICK, CHITTENDEN, CLARKE, DAVIS, EVERTS, FRENCH, of Essex, HARRIS, HATCH, MASON, NASH, NICHOLSON, PUTNAM, RAYMOND, RUMSEY, SMITH, STARK, WILDER, WILSON, and WORTHINGTON.—23.

Those Senators who voted in the negative, are

Messrs. GLEED, PHELPS, POLAND, SANFORD, and WEAD.—5.

So said bill was ordered to be engrossed and read the third time to-morrow morning.

Mr. CLARKE, moved that the vote by which the Senate this morning adopted in concurrence with the House, the Joint Resolution for a Joint Assembly to hear the report of the Committee appointed to canvass the votes of the Freemen of the State for Representatives to Congress.

And the said motion being reduced to writing, on motion of Mr. BUTLER, it was

Ordered to be laid on the table.

Mr. SMITH, offered the following Resolutions which were read and adopted :

Resolved, By the Senate and House of Representatives, That the two Houses hereby invite the Honorable EDWARD EVERETT, of Massachusetts, to pronounce before them his oration on the Character of Washington, at such an early day as he may be pleased to designate, and tender to him the use of the Representative Hall for that purpose.

Resolved, That a Committee of two Senators and three Representatives be appointed to confer with Mr. Everett, and superintend such arrangement as his acceptance of their invitation would render necessary or proper.

Mr. BUTLER, moved that the vote by which the Senate adopted, in concurrence with the House, the Joint Resolution providing for an adjournment of both Houses from Friday the 22d inst. to Tuesday the 26th, be reconsidered.

Which motion was agreed to.

And on motion of Mr. DAVIS, said Resolution was laid on the table.

(S. 25.) Mr. GLEED introduced a bill entitled An Act in reference to the exhibition of Animals in this State.

Which was read twice, and referred to the Committee on Printing.

Mr. WILSON, called up the Joint Resolution providing for a temporary adjournment of the two Houses, from Friday to Tuesday.

And the question being—Shall the Resolution be adopted?

On motion of Mr. BUTLER,

The Senate Adjourned.

FRIDAY MORNING, OCTOBER 22.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

(S. 26.) Mr. BARTHOLOMEW, introduced a bill entitled :
An Act to amend the Charter of the Vermont and Canada
Rail Road Company, approved, October 31, 1845, which was
read the first and second times, and referred, on motion of
Mr. CHITTENDEN, to the Committee on Printing.

Mr. CHITTENDEN, offered the following Resolution, which
was read and adopted.

Resolved, That the Committee on Banks be instructed to en-
quire and report to the Senate by what authority an institu-
tion called the State Bank, located at Montpelier, is transact-
ing the business of Banking, and under what law, and upon
what security said Bank is issuing Bank notes and putting the
same in circulation, and that said Committee be authorized to
send for all necessary persons and papers to aid them in their
enquiries.

The Joint Resolution from the House providing for the tem-
porary adjournment of the General Assembly was taken up,
(the same being under consideration at the adjournment of
the Senate yesterday evening,) and on motion of Mr. CHIT-
TENDEN, it was laid on the table.

Mr. CHITTENDEN, called up the Resolution introduced
yesterday morning by Mr. FRENCH, of Essex, providing for
an adjournment of the Senate to Monday Afternoon next at
two o'clock.

Mr. WILDER, moved to amend the same by striking out
the words "Monday, the 25th instant, at two o'clock in the
afternoon," and inserting in lieu thereof the words, "Tuesday,
the 26th instant, at 10 1-2 o'clock A. M.

Which motion was agreed to.

On motion of Mr. SMITH, the Resolution was further amended by striking out the words "at 11 o'clock, A. M." in the second and third line, and inserting the word "when" in the first line, so that the Resolution should read,

Resolved, That when the Senate adjourns on Friday, the 22d inst. (this morning) it adjourn to meet again on Tuesday the 26th inst. at 10 1-2 o'clock A. M.

And the Resolution was thereupon adopted.

(S. 3.) The engrossed bill entitled : An Act relating to the travel of Witnesses, was read the third time and passed.

(S. 7.) Mr. GLEED, called up the bill entitled : An Act in relation to Depositions, and offered the following amendment:

Strike out all after the word and figure "Sec. 1," and insert the following.

All Depositions hereafter taken to be used in any Supreme or County Court, where the adverse party did not attend the taking of the same, either in person or by Attorney, shall upon reasonable request of the adverse party or his Attorney be filed in the office of the Clerk of such Court, and opened by such Clerk and remain subject to the inspection of the adverse party, and unless such Depositions upon such reasonable request is thus opened and filed, it shall not be read as evidence.

Sec. 2. All such Depositions, where the adverse party did attend the taking of the same, shall be used upon the trial of the case by the party taking the same, or on the request of the adverse party or his Attorney be delivered to the adverse party or his Attorney who may read the same as evidence upon the trial.

Mr. EVERTS, moved that the bill and amendment be referred to the Committee on Printing, who, by Mr. POLAND, reported the same again to the Senate and recommended 300 copies of the amendment (the bill having heretofore been printed) be printed for the use of the Senate.

(S. 6.) The bill entitled : An Act for the relief of the St. Albans Bank, was taken up, and on motion of Mr. EVERTS, it was again ordered to lie.

(S. 18.) Mr. NICHOLSON, for the General Committee to which was referred the bill entitled : An Act altering the name of Samuel Sheldon Carlisle, reported the same, without amendment, and recommended its passage.

The bill was ordered to be engrossed and read the third time.

(H. 1.) Mr. CLARKE, for the Select Committee to which was referred the bill from the House entitled : An Act to incorporate the Village of Brattleboro, reported the same without amendment, and recommended its passage.

And the bill was laid on the table, on motion of Mr. CLARKE, and ordered to be read the third time on Tuesday morning next.

On motion of Mr. TUTTLE,

The Senate Adjourned.

TUESDAY MORNING, OCTOBER 26.

Prayer by the Chaplain.

The Journal of Friday was read and approved.

A Message was received from the House, by Mr. WILLIAMS, their Assistant Clerk, as follows :

Mr. PRESIDENT :

The House have passed a bill of the following title :

(H. 25.) An Act extending the time for constructing the Connecticut and Passumpsic Rivers Railroad.

In the passage of which bill I am directed to request the concurrence of the Senate.

The House have, on their part, adopted a Resolution in re-

lation to inviting Hon. EDWARD EVERETT, to deliver his Oration on Washington before the Members of the Legislature.

In the adoption of which I am directed to request the concurrence of the Senate.

Mr. BARTHOLOMEW, offered the following Resolution which was read :

Resolved, By the Senate and House of Representatives, That the two Houses meet in Joint Assembly on Saturday next at eleven o'clock A. M., to elect Judges of the Supreme Court and Reporters.

On motion of Mr. BARTHOLOMEW, said Resolution was laid on the table.

(S. 18.) The engrossed bill entitled : An Act altering the name of Samuel Sheldon Carlisle, was read the third time, and, on motion of Mr. FRENCH, of Windsor, it was

Ordered, That the bill be laid on the table.

(H. 1.) House bill entitled : An Act to incorporate the Village of Brattleboro, was read the third time and passed.

The Joint Resolution from the House, providing for a Joint Assembly on Wednesday next, at 2 1-2 o'clock P. M., to elect a Rail Road Commissioner, was taken up.

Mr. SMITH, moved that said Resolution be again laid on the table.

Which motion was disagreed to.

And the Resolution was thereupon adopted.

(S. 27.) Mr. CHITTENDEN, introduced a bill entitled : An Act in amendment to Chapter 116 of the Compiled Statutes, entitled : "Salaries and Fees," which was read twice and referred to the Committee on Printing.

(S. 28.) Mr. WILSON, introduced a bill entitled : An Act altering the name of Thomas Harris Giddings, which was read twice and referred to the General Committee.

(S. 29.) Mr. TUTTLE, introduced a bill entitled : An Act relating to prosecutions for bigamy, which was read twice and referred to the Committee on Printing.

Mr. CHADWICK, presented the Petition of Jonathan Lawrence, and seventy-five other Citizens of Caledonia County praying the General Assembly to enact a Law, that no person who has been held as a slave shall be delivered up by any Officer or Court, State or Federal, within this State to any one claiming him on the ground that he owes "service or labor" to such claimant, by the Laws of one of the Slave States of the Union.

Which was referred to the General Committee.

(S. 6.) The bill entitled: An Act for the relief of St. Albans Bank was taken up.

On motion of Mr. WILSON, it was ordered to be again laid on the table, and made the special order for Thursday morning next at 11 o'clock.

(S. 26.) Mr. HATCH, for the Committee on Printing, to which was referred the bill entitled: An Act to amend the Charter of the Vermont and Canada Rail Road Company reported adverse to the Printing of the same, and the bill was referred to the Committee on Roads.

Mr. FRENCH, of Windsor, called up the Joint Resolution for a meeting of the Joint Assembly on Wednesday next, to elect Judges of the Supreme Court, and moved to amend the same by striking out the word, "Wednesday," and inserting in lieu thereof the word "Thursday."

Which motion was agreed to.

On motion of Mr. CHITTENDEN, the Resolution was further amended by striking out "next" and inserting "28th inst." and the Resolution was thereupon adopted.

(H. 25.) House bill entitled: An Act extending the time for constructing the Connecticut and Passumpsic Rivers Rail Road, was read twice and referred to the Committee on Roads.

The Joint Resolution from the House inviting Hon. EDWARD EVERETT, to deliver his Oration on the Character of Washington before the General Assembly, was read and adopted.

(S. 7.) The bill entitled: An Act relating to Depositions, was taken up, and on motion of Mr. CHITTENDEN, was

ordered to lie, and made the special order for to-morrow morning at ten o'clock.

(S. 15.) The bill entitled: An Act relating to Witnesses, was taken up and the amendment heretofore proposed by Mr. NICHOLSON, adopted.

Mr. NICHOLSON, moved further to amend the bill by inserting at the close of Section 1, as follows :

"Provided further that in such case no person thus allowed to testify shall do so either on oath or affirmation, and the manner of credit to be given to such testimony shall be exclusively within the province of the trier, or triers of the issue of facts."

On motion of Mr. CHITTENDEN, it was

Ordered, That said bill and proposed amendment be laid on the table and made the special order for Thursday morning next at 10 o'clock.

A message was received from the House by Mr. HINCKLEY, their Assistant Clerk, as follows :

Mr. PRESIDENT :

The House have considered the Joint Resolution from the Senate relation to inviting the Hon. EDWARD EVERETT, to deliver his Oration on the Character of Washington, and have resolved to concur therein.

The Speaker has appointed as Committee on the part of the House, to confer with the Hon. EDWARD EVERETT, respecting his Address on the Character of Washington.

Messrs. LINSLEY, of Rutland,
KELLOGG, of Brattleboro,
SLAYTON, of Calais.

Mr. CLARKE, called up the Joint Resolution from the House, providing for a Joint Assembly to hear the report of the Committee appointed to canvass the votes of the Freeman of the State for Representatives to Congress.

And the question being on the motion heretofore submitted by Mr. CLARKE, to reconsider the vote of the Senate adopting said Resolution, the motion was agreed to.

Whereupon the Senate refused to concur with the House in the adoption of the Resolution.

(H. 25.) Mr. DAVIS, for the Committee on Roads, to which was referred House bill entitled : An Act extending the time for constructing the Connecticut and Passumpsic Rivers Rail Road, reported the same, and recommended its passage.

Ordered, That the bill be read the third time to-morrow morning.

The PRESIDENT announced the appointment of the Committee on the part of the Senate to wait upon Hon. EDWARD EVERETT, and invite him to deliver his Oration on the Character of Washington.

Senators, SMITH and
POLAND.

On motion of Mr. POLAND,

The Senate Adjourned.

AFTERNOON.

A message was received from the House by Mr. WILLIAMS, their Assistant Clerk as follows :

Mr. PRESIDENT :

The House have passed bills of the following titles :

(H. 11.) An Act to incorporate Felchville Cemetery Association.

(H. 34.) An Act in addition to Chapter Twenty-nine of the Compiled Statutes.

(H. 35.) An Act to avoid delay in Suits at Law.

(H. 37.) An Act to pay J. H. Hastings the sum therein mentioned.

(H. 39.) An Act to annex a part of the town of Somerset to

the town of Wilmington, and a part thereof to the town of Stratton.

In the passage of which bills, I am directed to request the concurrence of the Senate,

(H. 11.) House bill entitled: An Act to incorporate the Felchville Cemetery, was read twice and referred to the General Committee.

(H. 34.) House bill entitled: An Act in addition to Chapter Twenty-nine of the Compiled Statutes, was read twice and referred to the Committee on the Judiciary.

(H. 35.) House bill entitled: An Act to avoid delay in Suits at Law, was read twice and referred to the Committee on the Judiciary.

(H. 37.) House bill entitled: An Act to pay J. H. Hastings the sum therein mentioned, was read twice and referred to the Committee on Claims.

(H. 39.) House bill entitled: An Act to annex a part of the town of Somerset, to the town of Wilmington, and a part thereof to the town of Stratton, was read twice and referred to a Select Committee composed of the Senators from Windham County.

(S. 16.) Mr. CHITTENDEN, for the Committae on the Judiciary, to which was referred the bill entitled: An Act in relation to protests of Bills of Exchange, Drafts, Checks and Promissory Notes, reported the same, with certain proposals of amendment, and with the opinion that if amended as proposed, the bill ought to pass.

The amendments proposed by the Committee, which were to insert in the second line of Section 1, after the word "payable," the words "at any Bank," also strike out the words "sufficient proof" in Section 2, and insert in lieu thereof the words "*prima facie* evidence," were severally adopted.

The hour having arrived for a meeting of the Joint Assembly, the Senate repaired to the Hall of the House of Representatives.

And having returned therefrom.

On motion of Mr. STARK,

The Senate Adjourned.

WEDNESDAY MORNING, OCTOBER 27.

Prayer by the Rev. Mr. Lord, of Montpelier.

The Journal of yesterday was read and approved.

A message was received from the House by Mr. BIGELOW, their Assistant Clerk as follows :

Mr. PRESIDENT :

The House have considered the amendment proposed by the Senate to the Joint Resolution relative to the Chair, presented by Capt. H. B. SAWYER, to the State of Vermont,

And have resolved to concur therein.

The House have concurred in the Joint Resolution from the Senate providing for a Joint Assembly for the election of Judges of the Supreme Court.

Mr. EVERTS, moved that the vote by which the Senate yesterday adopted in concurrence with the House the Joint Resolution for a Joint Assembly to elect a Rail Road Commissioner, be reconsidered.

Which motion was agreed to, and on motion of Mr. WILSON, the Resolution was laid on the table.

(S. 27.) Mr. CHADWICK, for the Committee on Printing to which was referred the bill entitled: An Act in amendment of Chapter 116 of the Compiled Statutes, entitled: Salaries and Fees, reported adverse to the Printing thereof, and the same was referred to the Committee on Finance.

(S. 29.) Mr. CHADWICK, for the Committee on Printing, to which was referred the bill entitled: An Act relating to prosecutions for bigamy, reported the same and recommended that 300 copies be printed for the use of the Senate, and the bill was laid on the table and 300 copies ordered to be printed.

Mr. WILSON, offered the following resolution which was read and adopted :

Resolved, That the Committee on Agriculture be directed to enquire into the expediency of so amending Chapter 99 of the Compiled Statutes, that two or more Agricultural Societies duly organized in any County shall be entitled to receive from the State Treasury a share of the money appropriated for Agricultural purposes, and report by bill or otherwise.

(S. 7.) The bill entitled: An Act in relation to Depositions, being the special order for this time, was taken up.

Mr. DAVIS, moved to amend the amendment, strike out "upon reasonable request of the adverse party or his Attorney," and insert after the word "Clerk" in the 8th line, "at least ten days before the Session of the Court before which such Deposition is to be used."

On motion of Mr. WILDER, the bill with proposed amendments, was re-committed to the Committee on Judiciary.

(H. 25.) House bill entitled: An Act extending the time for constructing the Connecticut and Passumpsic Rivers Rail Road, was read the third time and passed.

(S. 16.) The bill entitled: An Act in relation to protests of Bills of Exchange, Drafts, Checks and Promissory Notes, was taken up, and the question being—Shall the bill be engrossed and read the third time?

Mr. DAVIS, moved to amend the first Section of the bill by inserting after the word *Bank* in the Second line thereof, the words "or endorsed to any Bank."

Which motion was agreed to.

On motion of Mr. BUTLER, the bill was further amended by striking out of Section 2, the words, "under the seal thereof," also the third Section, viz: "This Act shall take effect from its passage.

Mr. NICHOLSON, moved further to amend the bill by adding to Section 2, the words, "Provided the costs of protests shall not in any case be allowed above the sum of twenty-five cents."

Mr. PUTNAM, moved that the bill with the amendments proposed, be re-committed to the Committee on the Judiciary, which motion was disagreed to.

On motion of Mr. EVERTS, it was

Ordered, That the bill and proposed amendments be laid on the table.

(S. 30.) Mr. POLAND, introduced a bill entitled: An Act to pay J. C. Brown, the sum therein named, which was read twice and referred to the Committee on Claims.

On motion of Mr. WILDER,

The Senate Adjourned.

AFTERNOON.

(S. 28.) Mr. NICHOLSON, for the General Committee, to which was referred the bill entitled: An Act altering the name of Thomas Harris Giddings, reported the same without amendment, and recommended its passage.

Ordered, That said bill be engrossed and read the third time.

(S. 11.) Mr. NICHOLSON, for the General Committee to which was referred the bill entitled: An Act for the surrender of Fugitives from service, reported the same, with proposal of amendment by striking out all after the enacting clause, and substituting new bill, and with the opinion that the bill if so amended ought to pass.

On motion of Mr. CHITTENDEN,

Ordered, That the bill and proposed amendment be referred to the Committee on Printing.

(H. 7.) Mr. STARK, for the Committee on the Judiciary, to which was referred the bill from the House entitled: An Act

to enable School Districts more conveniently to collect their taxes, reported the same with the following amendment.

The Senate propose to the House to amend the bill by striking out all of Section 2nd after the words "*town taxes*" in the 7th line, and insert the following :

"Section 3. Every collector elected to collect School District taxes shall, before the delivery of the tax bill to him, and before he enters upon the duties of his office, give bonds to such District for the faithful performance of such duties, in such sum; and with such surities as the Prudential Committee may require," and with the opinion that the bill if so amended ought to pass.

Said amendment was adopted, and the bill, on motion of Mr. SANFORD, laid on the table.

(S. 31.) Mr. DAVIS, introduced a bill entitled : An Act in addition to Chapter fifteen of the Compiled Statutes, which was read the first and second time, and referred to the Committee on Printing.

(S. 32.) Mr. BARTHOLOMEW, introduced a bill entitled : An Act to amend An Act incorporating certain persons therein named by the name of the Vermont Copperas Company approved October, 29, 1838, which was read twice and referred to the Committee on Manufacturers.

(H. 14.) Mr. FRENCH, of Windsor, for the Committee on Judiciary, to which was referred the House bill entitled : An Act to prevent persons from fraudulently burning their own buildings, with intent to defraud Insurance Companies, reported the same with proposals of amendment, and with the opinion that the bill if amended as proposed, ought to pass.

The amendments proposed were adopted, and the bill ordered to be read the third time to-morrow morning.

(H. 37.) Mr. WILSON, for the Committee on Claims to which was referred House bill entitled : An Act to pay J. H. Hastings, the sum therein mentioned, reported the same without amendment and recommended its passage.

On motion of Mr. FRENCH, of Windsor,

Ordered, That the bill be re-committed to the Committee on Claims.

A message was received from the House by Mr. WILLIAMS, their Assistant Clerk as follows :

Mr. PRESIDENT :

The House have on their part adopted a Joint Resolution providing for a Joint Assembly to elect a Reporter.

In the adoption of which I am directed to request the concurrence of the Senate.

The Joint Resolution named in the foregoing message was read and is as follows :

Resolved, By the Senate and House of Representatives, That the two Houses meet in Joint Assembly on Friday next at half past ten o'clock, forenoon to elect a Reporter to report the decisions of the Supreme Court, and

On motion of Mr. CHITTENDEN,

Ordered, That said Resolution be laid on the table.

(H. 11.) Mr. HATCH, for the Committee on Printing, to which was referred the bill entitled : An Act for the surrender of Fugitives from service, together with the amendment proposed by the General Committee, reported the same, and recommended that 300 copies of said proposed amendment be printed, and the bill and amendment were laid on the table and 300 copies ordered to be printed accordingly.

(S. 2.) Mr. FRENCH, of Windsor, for the Committee on the Judiciary to which was referred the bill entitled : An Act relating to Justices of the Peace, Notaries Public, and Notaries in Chancery, reported the same with proposal of amendment, by substituting new bill, and with the opinion that if so amended the bill ought to pass.

The amendment proposed by the Committee was to strike out of the title the words "Notaries in Chancery," also to strike out all after the enacting clause and insert "Section 1. It shall be the duty of every Justice of the Peace and Notary Public, each year, before entering upon the duties of his office, to transmit to the County Clerk of the County for which he is

elected or appointed, a certificate of the oath or affirmation of office which he is required to take and subscribe by the constitution of this State; and for each neglect so to do, such Justice of the Peace, or Notary Public shall forfeit and pay to the Treasurer of the same County, for the use of the County the sum of ten dollars to be recovered in an action of debt with costs of prosecution.

Section 2. The Secretary of Civil and Military affairs shall annually furnish, with the commissions sent to each Justice of the Peace, suitable blanks for the administration and certificate of such oath.

Section 3. This Act shall take effect from its passage.

Mr. CHITTENDEN, moved to amend the amendment, by inserting after the word "certificate" in Section 1, the words "subscribed by himself."

Which motion was agreed to.

The amendment as thus amended was adopted, and the bill ordered to be engrossed and read the third time to-morrow morning.

Mr. EVERTS, presented the petition of Benjamin Nixon, and 44 other citizens of Vermont, praying that a Law may be passed to limit the quantity of land that any citizen of this State may possess hereafter, to the exclusion of landless citizens, wishing to possess land for the purpose of cultivating and improving it, and, also, that such landless person may take any piece of land thus set at liberty, and improve it on terms (if the parties can not agree) to be determined by disinterested appraisers.

Said petition was referred to the Committee on Agriculture.

(S. 33.) Mr. CLARKE, introduced a bill entitled: An Act making an additional appropriation for a Statue of Ethan Allen which was read twice and referred to the Committee on Printing.

(S. 34.) Mr. FRENCH, of Windsor, introduced a bill entitled: An Act in relation to the attachment of reversionary interest in personal property, which was read twice and referred to the Committee on Printing.

(S. 16.) Mr. DAVIS, called up the bill entitled: An Act

in relation to Protests of Bills of Exchange, Drafts, Checks and Promissory Notes, and moved to reconsider the vote adopting the amendment heretofore proposed by him, which motion was agreed, and said amendment was rejected.

Mr. NICHOLSON, by unanimous consent, withdrew the amendment heretofore proposed by him, and the bill was ordered to be engrossed and read the third time to-morrow morning.

Mr. NICHOLSON, offered the following Resolution, which was read and adopted :

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of so changing the law, that on application to the Probate Court for the removal of a Guardian, no commission to Justices should be necessary, and that said Committee be instructed to report by bill or otherwise.

(S. 35.) Mr. EVERTS, introduced a bill entitled: An Act to pay Jacob Edgerton, the sum therein mentioned, which was read twice and referred to the Committee on Claims.

On motion of Mr. EVERTS,

The Senate Adjourned.

THURSDAY MORNING, OCTOBER, 28.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

(S. 36.) Mr. WILDER, introduced a bill entitled: An Act relating to highways, which was read twice and referred to the Committee on Printing.

(S. 37.) Mr. CHITTENDEN, introduced a bill entitled: An Act relating to proceedings upon Executions, which was read twice and referred to the Committee on Printing.

(S. 15.) The bill entitled: An Act relating to Witnesses, being the special order for this time, was taken up, and on motion of Mr. NICHOLSON, was again laid on the table.

(S. 16.) The engrossed bill entitled: An Act in relation to Protests of Bills of Exchange, Drafts, Checks and Promissory Notes, was read the third time and passed.

(S. 28.) The engrossed bill entitled: An Act altering the name of Thomas Harris Giddings, was read the third time and passed.

(S. 2.) The engrossed bill entitled: An Act relating to Justices of the Peace and Notaries Public, was read the third time, and, on motion of Mr. CHITTENDEN, laid on the table.

(H. 14.) House bill entitled: An Act to prevent persons from fraudulently burning their own buildings, with intent to defraud Insurance Companies, was read the third time and passed in concurrence with proposals of amendment.

(S. 15.) Mr. CHITTENDEN, called up the bill entitled: An Act relating to Witnesses, and on his motion the same was indefinitely postponed.

(S. 18.) Mr. FRENCH, of Windsor, called up the bill entitled: An Act altering the name of Samuel Sheldon Carlisle, and (having been heretofore read the third time,) the same was passed.

Mr. SMITH, for the Select Committee appointed under a Joint Resolution of the two Houses, to wait upon the Hon. EDWARD EVERETT, and invite him to pronounce his Oration upon the Character of Washington before the General Assembly, made a report in writing, which, together with the reply of Mr. EVERETT, were ordered to be entered upon the Journal of the Senate.*

(H. 39.) Mr. BUTLER, for the Select Committee to which was referred the bill from the House entitled: An Act to annex a part of the town of Somerset, to the town of Wilmington, and part thereof to the town of Stratton, reported the same without amendment and recommended its passage.

Mr. STARK, moved that the Senate propose to the House to amend the bill by adding the following:

Provided, However, that this Act shall not take effect until approved by a majority of the votes of the present town of Wilmington, at a regular Town Meeting, only warned and holden for that purpose.

And on his motion said bill and proposed amendment were laid on the table.

(S. 6.) The bill entitled: An Act for the relief of the St. Albans Bank, being the special order, was taken up.

Mr. FRENCH, of Windsor, moved that the bill be re-committed to the Committee on Banks, with instructions to report, a general bill for the relief of St. Albans Bank, Missisquoi Bank, Woodstock Bank and Royalton Bank.

Which motion was disagreed to.

On motion of Mr. FRENCH, of Windsor,

The Senate Adjourned.

* See Appendix.

AFTERNOON.

(H. 32.) Mr. SANFORD, for the Committee on Agriculture to which was referred House bill entitled: An Act authorizing the laying of Acqueducts across the lands of other persons, reported the same and recommended its passage.

Mr. WILDER, from the same Committee submitted the following Minority Report.

To the Hon. Senate now in Session:

A majority of the Committee on Agriculture, having reported in favor of the passage of a Bill, House No. 32, entitled: An Act authorizing the laying of Acqueducts across the lands of other persons, the undersigned asks leave, as one of said Committee, to enter his protest against the passage of said Bill, it being, in his opinion, unconstitutional and establishing a very dangerous precedent.

Respectfully submitted by JOHN WILDER.

The third reading of said bill was thereupon refused.

(S. 6.) The bill entitled: An Act for the relief of the St. Albans Bank, was taken up, and the question being—Shall the bill be engrossed and read the third time? It was decided in the negative.

Yeas 13, Nays 16.

The yeas and nays being demanded by Mr. CHITTENDEN, were taken and are as follows:

Those Senators who voted in the affirmative, are

Messrs. DAVIS, EVERTS, FRENCH, of Windsor, GLEED, HATCH, MASON, PHELPS, RAYMOND, SMITH, STARK, TUTTLE, WEAD, and WILSON.—13.

Those Senators who voted in the negative, are

Messrs. BARTHOLOMEW, BILL, BUTLER, CHADWICK, CHITTENDEN, CLARKE, FRENCH, of Essex, HARRIS, NASH, NICHOLSON, POLAND, PUTNAM, RUMSEY, SANFORD, WILDER, and WORTHINGTON.—16.

So the engrossment and third reading of said bill was refused.

(S. 23. Mr. WILSON, for the Committee on Claims, to which was referred the bill entitled : An Act to pay Lorenzo Janes, the sum therein mentioned, reported the same without amendment, and recommended its passage, and the bill was ordered to be engrossed and read the third time.

(S. 38.) Mr. DAVIS, introduced a bill entitled : An Act relating to the Homestead, which was read twice and referred to the Committee on Printing.

(S. 39.) Mr. STARK, introduced a bill entitled : An Act to pay Jasper Vial the sum therein mentioned, which was read twice and referred to the Committee on Claims.

(S. 37.) Mr. POLAND, for the Committee on Printing, to which was referred the bill entitled : An Act relating to proceedings upon Execution, reported the same and recommended that 300 copies be printed for the use of the Senate, and the bill was laid on the table and 300 copies ordered to be printed.

(S. 6.) Mr. CHITTENDEN, moved that the vote by which the Senate refused to order the engrossment and third reading of the bill entitled : An Act for the relief of the St. Albans Bank, be reconsidered, and the motion being reduced to writing was laid on the table.

(S. 40.) Mr. HATCH, introduced a bill entitled : An Act in amendment of Section 13, Chapter 116 of the Compiled Statutes in relation to fees of Sheriffs and Constables, which was read twice and referred to the Committee on Printing.

(H. 34.) Mr. CHITTENDEN, for the Committee on the Judiciary, to which was referred House bill entitled : An Act in addition to Chapter 29 of the Compiled Statutes, reported the same, and recommended its passage.

Ordered, That said bill be read the third time to-morrow morning.

(S 36.) Mr. HATCH, for the Committee on Printing to which was referred the bill entitled : An Act relating to highways, reported the same, and recommended that 300 copies be printed, and the bill was laid on the table and 300 copies ordered to be printed.

On motion of Mr. CHITTENDEN,

The Senate Adjourned.

FRIDAY MORNING, OCTOBER, 29.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

(S. 32.) Mr. HARRIS, for the Committee on Manufactures, to which was referred the bill entitled : An Act to amend An Act incorporating certain persons therein named by the name of the Vermont Copperas Company, approved October 29, 1838, reported the same without amendment, and recommended its passage, and the bill was ordered to be engrossed and read the third time.

A message was received from the House by Mr. BIGELOW, their Assistant Clerk, as follows :

Mr. PRESIDENT :

The House have passed bills of the following titles :

(H. 15.) An Act for the preservation of Fish in Castleton Pond.

(H. 52.) An Act for the preservation of Fish in Mud Pond in Williston.

In the passage of which bills I am directed to request the concurrence of the Senate.

The House have considered the amendments proposed by the Senate to the bill originating in the House entitled :

(H. 14.) An Act to prevent persons from fraudulently burning their own buildings with intent to defraud Insurance Companies.

And have resolved to concur therein.

Mr. CHITTENDEN, called up the Joint Resolution from the House for a Joint Assembly this morning at 10 1-2 o'clock to elect a Reporter.

Mr. FRENCH, of Windsor, moved that the Senate propose to the House to amend the same by striking out "Friday" and inserting "Tuesday," which motion was disagreed to, and the resolution was thereupon adopted in concurrence.

(S. 27.) Mr. HATCH, for the Committee on Printing to which was referred the bill entitled : An Act in amendment of Chapter 116 of the Compiled Statutes, entitled : Salaries and Fees, reported the same and recommended that 300 copies be printed, and the bill was laid on the table and 300 copies ordered to be printed.

(H. 15.) House bill entitled : An Act for the preservation of fish in Castleton Pond, was read twice and referred to the General Committee.

(H. 52.) House bill entitled : An Act for the preservation of fish in Mud Pond, in Williston, was read twice and referred to the General Committee.

(S. 23.) The engrossed bill entitled : An Act to pay Lorenzo Janes, the sum therein named, was read the third time, and the question being—shall the bill pass—it was decided in the negative.

The hour having arrived for a meeting of the Joint Assembly, the Senate repaired to the Hall of the House of Representatives.

And having returned therefrom.

(H. 34.) The bill from the House entitled: An Act in addition to Chapter Twenty-nine of the Compiled Statutes, was read the third time and passed.

(S. 32.) On motion of Mr. FRENCH, of Windsor, the bill entitled: An Act to amend An Act incorporating certain persons therein named by the name of the Vermont Copperas Company, approved October 29, 1838, was taken up and read the third time.

Mr. CHITTENDEN, moved that the bill be committed to a Senator with instructions to amend the same by adding thereto.

"Section 3. This Act shall take effect from its passage."

Which motion was agreed to, and the bill committed to Mr. CHITTENDEN, for that purpose, who reported the same amended as directed, and the bill was thereupon passed.

(S. 40.) Mr. CHADWICK, for the Committee on Printing, to which was referred the bill entitled: An Act in amendment of Section 13 of Chapter 116 of the Compiled Statutes in relation to fees of Sheriffs and Constables, reported the same, and recommended that 300 copies be printed, and the bill was laid on the table and 300 copies ordered to be printed.

(S. 34.) Mr. CHADWICK, for the Committee on Printing, to which was referred the bill entitled: An Act in relation to the attachment of reversionary interest in personal property reported the same, and recommended that 300 copies be printed, and the bill was laid on the table and 300 copies ordered to be printed.

(S. 38.) Mr. CHADWICK, for the Committee on Printing, to which was referred the bill entitled: An Act relating to the Homestead, reported adverse to the printing thereof, and the same was referred to the Committee on the Judiciary.

(S. 11.) Mr. EVERTS, called up the bill entitled: An Act for the surrender of fugitives from service, and the same was ordered to be again laid on the table and made the special order for Tuesday morning next at 11 o'clock.

On motion of Mr. WILDER,

The Senate Adjourned.

AFTERNOON.

(S. 23.) Mr. CLARKE, moved that the vote refusing to pass the bill entitled : An Act to pay Lorenzo Janes the sum therein named be reconsidered, and the motion being reduced to writing was laid on the table.

(S. 31.) Mr. CHITTENDEN, for the Committee on the Judiciary to which was referred the bill entitled : An Act in addition to Chapter fifteen of the Compiled Statutes, reported the same, and with the opinion that the bill ought not to pass, and the third reading of said bill was refused.

(H. 35.) Mr. STARK, for the Committee on the Judiciary to which was referred the bill entitled : An Act to pay Jacob Edgerton, the sum therein mentioned, reported the same, and recommended its passage.

Ordered That the bill be read the third time to-morrow morning.

(S. 23.) Mr. CHITTENDEN, called up the motion of Mr. CLARKE, to reconsider the vote by which the Senate refused to pass the bill entitled ; An Act to pay Lorenzo Janes the sum therein named.

Said motion was agreed to, and the bill was, on motion of Mr. SMITH, re-committed to the Committee on Claims.

Mr. SANFORD, for the Committee on Agriculture to which was referred the Petition of Benjamin Nixon, and Forty-four others, submitted the following report.

To the Senate now in Session :

The Committee on Agriculture to which was referred the Petition of Benjamin Nixon and Forty-four others, praying for

a law limiting the quantity of land to be possessed by any citizen of this State, Report that they have considered the subject matter of said petition and are of the opinion that no legislation thereon is required. The Committee recommend that the petitioners have leave to withdraw their petition.

W. R. SANFORD, for the Committee.

The Senate accepted the report of the Committee and the Petitioners had leave to withdraw their said petition.

(H. 39.) Mr. STARK, called up House bill entitled: An Act to annex a part of the town of Somerset, to the town of Wilmington, and a part thereof to the town of Stratton, and by leave of the Senate withdrew the amendment heretofore offered by him, and moved that the Senate propose to the House to amend the bill as follows:

“Provided, however, that the first section of this act shall not take effect until the present town of Wilmington, shall approve the same by a vote of a majority of the voters present at a town meeting warned and holden for that purpose, which said meeting shall be warned and holden prior to the first day of January next, and in case said town shall fail to hold such meeting, said section shall take effect on said first day of January.

Which motion was disagreed to, and the bill was read the third time and passed.

(S. 33.) Mr. HATCH, for the Committee on Printing, to which was referred the bill entitled: An Act making an additional appropriation for a Statue of Ethan Allen, reported adverse to the printing thereof, and the same was referred to the Committee on Finance.

(H. 11.) Mr. NICHOLSON, for the General Committee to which was referred the bill entitled: An Act to incorporate the Felchville Cemetery Association, reported the same, and recommended its passage.

Ordered, That the bill be read the third time to-morrow morning

Mr. BUTLER, requested and obtained leave for the Committee on Roads to sit during the session of the Senate.

(S. 41.) Mr. BARTHOLOMEW, introduced a bill entitled : An Act to repeal An Act entitled An Act to authorize the business of Banking, approved November 17, 1857, which was read twice and referred to the Committee on Printing.

(S. 42.) Mr. HATCH, introduced a bill entitled : An Act in amendment of Section 7, Chapter 81 of the Compiled Statutes, in relation to collection of taxes, which was read twice, and referred to the Committee on Printing.

(S. 15.) Mr. STARK, moved that the vote by which the Senate yesterday ordered the indefinite postponement of the bill entitled : An Act relating to Witnesses, be reconsidered which motion was agreed to, and on motion of Mr. CHITTENDEN, the bill was laid on the table and made the special order for to-morrow morning at 10 o'clock.

(S. 43.) Mr. GLEED, introduced a bill entitled : An Act regulating the Salary of Rail Road Commissioners, which was read twice and referred to the Committee on Printing.

(S. 44.) Mr. STARK, introduced a bill entitled : An Act to incorporate the Village of Manchester, which was read twice, and referred to a Select Committee composed of the Senators from Bennington County.

Mr. STARK, presented the petition of E. B. Burton, and 48 others, citizens of Manchester, praying for the passage of the aforesaid bill, which was referred to the same Committee.

(S. 2.) The engrossed bill entitled : An Act relating to Justices of the Peace and Notaries Public, was taken up for consideration, and on motion of Mr. NICHOLSON, said bill was committed to Mr. FRENCH, of Windsor, with instructions to amend the same, by striking out from the title, the words, "and Notaries Public," also from the second line of Section 1, "and Notaries Public," also from the fourth and fifth line "or appointed," and also from said Section all after the word *State* in the eighth line thereof.

On motion of Mr. WILDER,

The Senate Adjourned.

The amendment proposed was adopted and the bill was, by unanimous consent (without engrossment) thereupon read the third time and passed.

(H. 35.) House bill entitled : An Act to avoid delay in Suits at Law, was read the third time and passed.

(H. 11.) House bill entitled : An Act to incorporate the Felchville Cemetery Association, was read the third time and passed.

(S. 24.) The bill entitled : An Act in relation to Mortgages of Personal Property, was taken up and referred to the Committee on the Judiciary.

(S. 41.) Mr. POLAND, for the Committee on Printing, to which was referred the bill entitled : An Act to repeal An Act entitled An Act to authorize the business of Banking, approved November 17, 1851, reported adverse to the printing thereof, and the same was referred to the Committee on Banks.

(S. 47.) Mr. WILSON, introduced a bill entitled : An Act in amendment of An Act relating to inquests of the dead, approved November 12, 1856, which was read twice and referred to the Committee on Printing.

(S. 43.) Mr. HATCH, for the Committee on Printing to which was referred the bill entitled : An Act regulating the Salary of Rail Road Commissioner reported adverse to the printing thereof, and the same was referred to the Committee on Finance.

(S. 45.) Mr. HATCH, for the same Committee to which was referred the bill entitled : An Act to repeal An Act, entitled An Act for the draining of Swamps, and other low lands, approved November 18, 1856, reported adverse to the printing thereof, and the same was referred to the Committee on Agriculture.

(H. 52.) Mr. WORTHINGTON, for the General Committee to which was referred the bill entitled : An Act for the preservation of fish in Mud Pond in Williston, reported the same, and recommended its passage, and the bill was ordered to be engrossed and read the third time on Monday morning next.

(S. 48.) Mr. CLARKE, introduced a bill entitled : An Act to pay Charles C. Frost, the sum therein named, which was read twice, and referred to the Committee on Claims.

(S. 42.) Mr. CHADWICK, for the Committee on Printing, to which was referred the bill entitled : An Act in amendment of Section seven, Chapter Eighty-one of the Compiled Statutes in relation to collection of taxes, reported adverse to the printing thereof, and the same was referred to the Committee on the Judiciary.

(S. 49.) Mr. HATCH, introduced a bill entitled : An Act in amendment of Section 68, Chapter Twenty of the Compiled Statutes, relating to the State School Tax, which was read twice and referred to the Committee on Printing.

(S. 50.) Mr. EVERTS, introduced a bill entitled : An Act to promote improvement in the breeds of Cattle, which was read twice and referred to the Committee on Printing.

On motion of Mr. RUMSEY,

The Senate Adjourned.

AFTERNOON.

Mr. SANFORD, for the Committee on Agriculture, submitted the following Report, which was accepted by the Senate, and the Committee discharged from further consideration of the resolution named :

“The Committee on Agriculture, to which was referred the resolution requiring the Committee to enquire into the expediency of a division of the appropriation now made by the State to the County Agricultural Societies, report that they have had the same under consideration, and are of the opinion

that no legislative action is required on the law as it now stands.

W. R. SANFORD, for Committee.

(H. 15.) Mr. NICHOLSON, for the General Committee, to which was referred House bill entitled: An Act for the preservation of fish in Castleton Pond, reported the same, and recommended its passage.

Ordered, That the bill be read the third time on Monday morning next.

A message was received from the House by Mr. WILLIAMS, their Assistant Clerk, as follows:

Mr. PRESIDENT:

The House have passed bills of the following titles:

(H. 9.) An Act for the preservation of fish in Franklin Pond.

(H. 53.) An Act for the preservation of fish in "Joes Pond" and the stream running therefrom to Lamoille River.

(H. 68.) An Act to incorporate Connecticut Valley Fair Ground Company.

(H. 76.) An Act to provide for the appointment of a Curator to take charge of the Cabinet of Natural History.

In the passage of which bills I am directed to request the concurrence of the Senate.

The House have passed in concurrence with the Senate a bill entitled:

(S. 26.) An Act to amend the Charter of the Vermont & Canada Railroad Company, approved October 31, 1845.

The House have on their part adopted a Joint Resolution for printing the addresses of the Rev. Pliny H. White and Albert D. Hagar, delivered before the Vermont Historical Society and members of the General Assembly.

In the adoption of which I am directed to request the concurrence of the Senate,

(S. 39.) Mr. WILSON, for the Committee on Claims, to which was referred the bill entitled: An Act to pay Jasper Vial the sum therein mentioned, submitted a special report thereon.*

* See Appendix.

Mr. STARK, moved that the blank in Section 1, of the bill be filled by inserting the figures \$83, which motion was agreed to, and on motion of Mr. EVERTS, the bill was laid on the table and made the special order for Tuesday P.M. next, at 2 o'clock.

(S. 46.) Mr. NICHOLSON, for the General Committee, to which was referred the bill entitled: An Act to incorporate the Equinox Company, reported the same, with proposal of amendment, and with the opinion that the bill if amended as proposed ought to pass.

The Senate adopted the amendment proposed, and the bill was ordered to be engrossed and read the third time on Monday morning next.

(S. 44.) Mr. STARK, for the Special Committee to which was referred the bill entitled: An Act to incorporate the Village of Manchester, reported the same without amendment, and recommended its passage. The bill was ordered to be engrossed and read the third time.

(S. 2.) Mr. FRENCH, of Windsor, to whom was committed the bill entitled: An Act relating to Justices of the Peace, for amendment, reported the same amended as directed, and the bill was thereupon, having been heretofore read the third time, passed.

(H. 9.) The House bill entitled: An Act for the preservation of fish in Franklin Pond, was read twice and referred to the General Committee.

(H. 53.) House bill entitled An Act for the preservation of fish in Joe's Pond and the stream running therefrom to La-moille River, was read twice and referred to the General Committee.

(H. 68.) House bill entitled: An Act to incorporate the Connecticut River Fair Ground Company, was read twice and referred to the Committee on Agriculture.

(H. 76.) House bill entitled: An Act to provide for the appointment of a Curator, to take charge of the Cabinet of Natural History, was read twice, and on motion Mr. WILDER,

referred to a select Committee of three Senators, and the President appointed

Messrs. WILDER,
CHITTENDEN and
CLARKE,

such Committee.

Joint Resolution from the House was read as follows :

Resolved by the Senate and House of Representatives, That a copy of the address of Rev. Pliny H. White, on the Life and Services of Mathew Lyon, and of Albert D. Hagar, on the Marbles of Vermont, pronounced last evening before the Vermont Historical Society and Members of the General Assembly, be requested for publication ; and that two thousand copies thereof be printed for distribution among the Members of each House and other persons and Societies under the direction of the Governor.

And the same was adopted in concurrence.

Mr. RAYMOND, for the Committee on bills, submitted the following Report :

To the Hon. Senate now in Session :

The Committee on Bills, respectfully report that they have this day submitted to the Governor for his approval and signature, a Bill of the following title, to wit :

Senate Bill, No. 26.

An Act to amend the Charter of the Vermont and Canada Rail Road Company, approved October 31, 1845.

C. S. RAYMOND, for Committee.

Mr. RAYMOND, offered the following Resolution, which was read and adopted :

Resolved, That, owing to the notice recently published by the Suffolk Bank, that on and after the 30th November next, the system heretofore adopted by the Bank in regard to receiving and assorting foreign money, would be discontinued by that Bank. The Bank Committee be instructed to enquire and report whether any further Legislation on the subject of Banks is necessary or expedient at this time.

(H. 7.) House bill entitled: An Act to enable School Districts more conveniently to collect their taxes, was taken up for consideration.

Mr. SANFORD, moved to amend the amendment heretofore proposed by the Committee and adopted by the Senate, by inserting in Section 3, in the 5th line, after the word *office*, the words "if the prudential Committee require."

And on motion of Mr. CHITTENDEN, the bill and proposed amendment was laid on the table.

(S. 51.) Mr. WILSON, introduced a bill entitled: An Act in addition to Chapter one hundred and twelve of the Compiled Statutes, relating to County Jails and the confinement and discharge of persons, which was read twice and referred to the Committee on Printing.

On motion of Mr. WEAD,

The Senate Adjourned.

MONDAY MORNING, NOVEMBER 1.

Prayer by the Chaplain.

The Journal of Saturday was read and approved.

(S. 52.) Mr. FRENCH, of Essex introduced a bill entitled: An Act relating to the liberation of Minors, which was read twice, and referred to the Committee on Printing.

(S. 53.) Mr. STARK, introduced a bill entitled: An Act to incorporate the Bennington Powder Company, which was read twice and referred to the Committee on Manufactures.

(S. 46.) The engrossed bill entitled: An Act to incorporate the Equinox Company, was read the third time and passed.

(H. 52.) The engrossed bill entitled : An Act for the preservation of fish in Mud Pond in Williston, was read the third time and passed.

(S. 54.) Mr. BUTLER, introduced a bill entitled : An Act to amend An Act to incorporate the Windham County Fire Insurance Company, approved Oct. 30, 1838, which was read twice, and referred to the Committee on Printing.

(H. 15.) House bill entitled : An Act for the preservation of fish in Castleton Pond, was read the third time and passed.

(S. 55.) Mr. GLEED, introduced a bill entitled : An Act relating to Commissioners of town lines, which was read twice, and referred to the Committee on Printing.

Mr. BUTLER, offered the following Resolution, which was read and adopted.

Resolved, That the Committee on Banks be instructed to enquire whether the Stark Bank of Bennington, has, during the past year, kept its circulation at par in the cities of Boston or New York, agreeably to Chapter Eighty-four of the Compiled Statutes, and in what particular manner that Bank has effected its City redemptions—and if said Bank has not complied with said Chapter 84, whether it has paid to the State Treasurer the tax required by said Chapter, and that said Committee notify the President and Cashier of said Bank of the time and place of hearing, and that said Committee report by bill or otherwise.

Mr. DAVIS, moved that the vote adopting said Resolution be reconsidered.

Which motion was disagreed to.

(S. 56.) Mr. CKARKE, introduced a bill entitled : An Act to incorporate the Jamaica Leather Company, which was read twice and referred to the Committee on Manufactures.

(S. 52.) Mr. HATCH, for the Committee on Printing, to which was referred the bill entitled : An Act relating to the liberation of Minors, reported adverse to the printing thereof, and the same was referred to the Committee on the Judiciary.

(S. 57.) Mr. HATCH, introduced a bill entitled : An Act regulating the liability of Village Corporations in the making

of contracts, which was read twice and referred to the Committee on Printing.

(S. 45.) Mr. WILDER, for the Committee on Agriculture, to which was referred the bill entitled : An Act to repeal An Act approved Nov. 18, 1856, entitled An Act for the draining of Swamps and other low lands, reported the same, and asked that the Committee be discharged from further consideration thereof.

Which request was granted, and the bill referred to the Committee on the Judiciary.

(S. 49.) Mr. POLAND, for the Committee on Printing, to which was referred the bill entitled : An Act in amendment of section Sixty-eight of Chapter Twenty of the Compiled Statutes, relating to State School Tax, reported adverse to the printing thereof, and the same was referred to the Committee on Finance.

(S. 47.) Mr. POLAND, for the Committee on Printing, to which was referred the bill entitled : An Act in amendment of An Act relating to inquests of the dead, approved November 12, 1856, reported adverse to the printing thereof, and the same was referred to the Committee on the Judiciary.

A message was received from the Governor by Mr. DAVIS, Secretary of Civil and Military affairs, as follows :

Mr. PRESIDENT :

I am directed by the Governor to inform the Senate, that he has approved and signed a Bill originating in the Senate of the following title, viz :

(S. 26.) An Act to amend the Charter of the Vermont and Canada Railroad Company, approved Oct. 31, 1845.

On motion of Mr. PUTNAM,

The Senate Adjourned.

AFTERNOON.

(S. 45.) Mr. STARK, for the Committee on the Judiciary, to which was referred the bill entitled : An Act to repeal An Act, entitled An Act, for the draining of Swamps and other low lands, approved November 18, 1856, reported the same, without amendment, and recommended its passage.

On motion of Mr. EVERTS, the bill was laid on the table.

(S. 41.) Mr. SMITH, for the Committee on Banks to which was referred the bill entitled : An Act to repeal An Act, entitled An Act to authorize the business of Banking, approved November 17, 1851, reported the same without amendment, and recommended its passage.

On motion of Mr. FRENCH, of Windsor, the bill was laid on the table and made the special order for Wednesday next at 11 o'clock, A.M.

A message was received from the House by Mr. BIGELOW, their Assistant Clerk, as follows :

Mr. PRESIDENT :

The House have passed bills of the following titles :

(H. 62.) An Act to pay James A. Pollard, the sum therein mentioned.

(H. 115.) An Act for the preservation of fish in McLare's Pond in Ryegate.

In the passage of which I am directed to request the concurrence of the Senate.

(H. 9.) Mr. WORTHINGTON, for the General Committee to which was referred the bill from the House entitled : An Act for the preservation of fish in Franklin Pond, reported the same, and recommended its passage.

The bill was read the third time and passed.

Mr. CHITTENDEN, for the Committee on the Judiciary, to which was referred the Resolution instructing them to enquire into the expediency of providing for the compensation of the Clerks of the several Courts, and State's Attorneys, by Salaries, made a special report thereon, recommending that a Select Committee be appointed to take the subject into consideration. Said Committee to consist of one Senator from each County, and that the Committee on the Judiciary be discharged from further action thereon.

The Senate accepted said report, and discharged the Committee on the Judiciary agreeably to their request, and ordered that the said Resolution be referred to a Select Committee composed of the following Senators, viz :

Messrs. CHITTENDEN, EVERTS, STARK, NASH,
WILSON, CLARKE, FRENCH, of Windsor,
BARTHOLOMEW, POLAND, DAVIS, GLEED,
WORTHINGTON, PHELPS and FRENCH, of Essex.

(S. 12.) Mr. CHITTENDEN, for the Committee on the Judiciary, to which was referred the bill entitled: An Act in addition to Chapter 38 of the Compiled Statutes in relation to the action of Ejectment, reported the same with proposal of amendment, and with the opinion that if so amended the bill ought to pass.

The amendment proposed by the Committee was, on motion of Mr. WILSON, amended, and amendment adopted.

Mr. BUTLER, moved further to amend the bill by striking out, "Section 3, This act shall take effect from its passage."

Which motion was agreed to, and on motion of Mr. CHITTENDEN, the bill was laid on the table.

(S. 10.) Mr. CHITTENDEN, for the Committee on the Judiciary to which was referred the bill entitled: An Act in addition to An Act relating to Justices of the Peace, reported the same with proposal of amendment, and with the opinion that the bill, if amended as proposed, ought to pass.

The Senate adopted the amendment proposed by the Com-

mittee, and the question being—Shall the bill be engrossed and read the third time ?

It was decided in the negative : $\left. \begin{array}{l} \text{Yeas 13.} \\ \text{Nays 15.} \end{array} \right\}$

The yeas and nays being demanded by Mr. GLEED, were taken and are as follows :

Those Senators who voted in the affirmative are,

Messrs. BARTHOLOMEW, BILLINGS, CHITTENDEN, CLARKE, EVERTS, FRENCH, of Windsor, HATCH, MASON, NASH, RAYMOND, SANFORD, STARK and WILDER.—13.

Those Senators who voted in the negative are,

Messrs. BILL, BUTLER, CHADWICK, DAVIS, FRENCH, of Essex, GLEED, HARRIS, NICHOLSON, PHELPS, POLAND, PUTNAM, RUMSEY, SMITH, WILSON and WORTHINGTON.—15.

So the engrossment and third reading of said bill was refused.

(S. 6.) Mr. CHITTENDEN, called up the bill entitled : An Act for the relief of St. Albans Bank, for consideration, and on motion of Mr. WILSON, the bill was again laid on the table.

(S. 50.) Mr. CHADWICK, for the Committee on Printing to which was referred the bill entitled : An Act to promote improvement in the breeds of Cattle, reported adverse to the printing thereof, and the bill was referred to the Committee on Agriculture.

(S. 51.) Mr. CHADWICK, for the same Committee, to which was referred the bill entitled : An Act in addition to Chapter 112 of the Compiled Statutes relating to County Jails, and the confinement and discharge of persons, reported adverse to the printing thereof, and the same was referred to the Committee on the Judiciary.

Mr. WORTHINGTON, for the General Committee, to which was referred the petition of Jonathan Lawrence and others, citizens of Caledonia County, and also the petition of Wm. A. Miller, and others, of Bennington, praying for the enact-

ment of a law that no person who has been held as a slave shall, be delivered up on the ground that he owes services or labor by the laws of Slave States of this Union, reported the same and that in the opinion of said Committee the prayer of the petitioners ought to be granted so far as to effect the passage of the bill now before the Senate, entitled: (S. 11.) An Act for the surrender of Fugitives from service—the Senate accepted said report, and the Committee were discharged from further action thereon.

(S. 55.) Mr. HATCH, for the Committee on Printing to which was referred the bill entitled: An Act relating to Commissioners of town lines, reported the same, and recommended that three hundred copies be printed for the use of the Senate. The bill was laid on the table, and three hundred copies ordered to be printed.

(S. 6.) Mr. CHITTENDEN called up the bill entitled: An Act for the relief of the St. Albans Bank, and moved that the bill be made the special order for to-morrow morning at ten o'clock. Which motion was agreed to.

(S. 58.) Mr. GLEED, introduced a bill entitled: An Act in addition to the law regulating Trustee Process, which was read twice and referred to the Committee on Printing.

(S. 57.) Mr. POLAND, for the Committee on Printing, to which was referred the bill entitled: An Act regulating the liabilities of Village Corporations in the making of contracts, reported adverse to the printing thereof, and the same was referred to the Committee on the Judiciary.

(S. 59.) Mr. WILSON introduced a bill entitled: An Act in amendment of Section 1, of An Act relating to Homestead, approved November, 10, 1857, which was read twice and referred to the Committee on Printing.

(S. 13.) Mr. CHITTENDEN, for the Committee on the Judiciary, to which was referred the bill entitled: An Act relating to Witnesses, (there are two bills of this same title; S. 13, and S. 15.) reported the same and with the opinion that the bill ought not to pass.

On motion of Mr. DAVIS, the bill was indefinitely postponed.

(H. 62.) Bill from the House entitled: An Act to pay James A. Pollard the sum therein mentioned, was read twice, and referred to the Committee on Claims.

(H. 115.) Bill from the House entitled: An Act for the preservation of Fish in McLare's Pond in Rygate, was read twice, and referred to the General Committee.

(S. 44.) The engrossed bill entitled: An Act to incorporate the Village of Manchester, was read the third time and passed.

(S. 36.) The bill entitled: An Act relating to Highways, was taken up and referred to the Committee on Roads.

(S. 40.) The bill entitled: An Act in amendment of Section 13, Chapter 116 of the Compiled Statutes in relation to fees of Sheriffs and Constables, was taken up and referred to the Committee on Finance.

(S. 37.) The bill entitled: An Act relating to proceedings upon Executions, was taken up and referred to the Committee on the Judiciary.

(S. 29.) The bill entitled: An Act relating to prosecutions for Bigamy, was taken up and referred to the Committee on the Judiciary.

On motion of M. BARTHOLOMEW,

The Senate Adjourned.

TUESDAY MORNING, NOVEMBER 2.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

A message was received from the Governor by Mr. DAVIS, Secretary of Civil and Military Affairs, as follows :

Mr. PRESIDENT :

I am directed by the Governor to transmit to the Senate a Communication in writing, with an accompanying document.*

Said Communication was read, and is as follows :

HON. BURNHAM MARTIN,

PRESIDENT OF THE SENATE :

Sir, I have the honor to transmit to the Senate, for the use of the General Assembly, the Report of Rev. Edward Hitchcock, State Geologist.

HILAND HALL.

EXECUTIVE CHAMBER, }
November 2, 1858. }

The Geological Report of Rev. Edward Hitchcock,* was laid upon the table, and one thousand copies ordered to be printed.

(S. 6.) The bill entitled : An Act for the relief of the St. Albans Bank, being the special order for 10 o'clock this morning, was taken up.

The question being—Shall the vote refusing the engrossment and third reading of the bill, be reconsidered. It was decided in the affirmative.

On motion of Mr. CHITTENDEN, the bill was laid on the table.

(S. 11.) The bill entitled: An Act for the surrender of Fugitives from service, being the special order for this morning at 11 o'clock was taken up, and on motion of Mr. WILSON,

*See Appendix.

it was laid on the table and made the special order for this afternoon at three o'clock.

(S. 60.) Mr. DAVIS, introduced a bill entitled : An Act for the relief of bail in criminal cases, which was read twice and referred to the Committee on Printing.

(S. 61.) Mr. DAVIS, introduced a bill entitled : An Act to pay Horace Evans' the sum therein mentioned, which was read twice and referred to the Committee on Claims.

(S. 58.) Mr. HATCH, for the Committee on Printing, to which was referred the bill entitled : An Act in addition to the law regulating Trustee Process, reported adverse to the Printing thereof, and the bill was referred to the Committee on the Judiciary.

(S. 69.) Mr. HATCH, for the Committee on Printing to which was referred the bill entitled : An Act in amendment of Section one of An Act relating to the Homestead, approved November 10, 1857, reported adverse to the printing thereof, and the bill was referred to the Committee on the Judiciary.

(H. 53.) Mr. WORTHINTON, for the General Committee to which was referred the bill from the House entitled : An Act for the preservation of fish in Joes' Pond and the stream running therefrom to Lamoille River, reported the same, and recommended its passage, and the bill was read the third time and passed.

(S. 60.) Mr. POLAND, for the Committee on Printing, to which was referred the bill entitled : An Act for the relief of bail on criminal cases, reported the same and recommended that three hundred copies be printed, and the bill was laid on the table and three hundred copies ordered to be printed.

(S. 6.) Mr. CHITTENDEN, called up the bill entitled : An Act for the relief of St. Albans Bank.

Mr. WILSON, moved that the bill be re-committed to the Committee on Bank.

Mr. CHITTENDEN, moved that said bill, if re-committed to the said Committee, be accompanied by instructions as follows :

"Resolved, That the Bank Committee be instructed to report the names of the Stockholders in St. Albans Bank, with the

amounts of stock owned by each on the first day of October 1857, and on the first day of January 1858, the amount of the circulation of that Bank on the first day of September 1857, and weekly thereafter until the first day of January 1858, the amount of the indebtedness of said Bank to the Suffolk Bank weekly during the same period, with the weekly statements made to the board of directors of said Bank during the same time, and if said Bank does not possess such weekly statements, to report such statements as are in the possession of such Bank."

Which motion was agreed to, and the bill was, together with said resolution, re-committed to the Committee on Banks.

On motion of Mr. FRENCH, of Windsor,

The Senate Adjourned.

AFTERNOON. .

(S. 53.) Mr. HARRIS, for the Committee on Manufactures, to which was referred the bill entitled: An Act to incorporate the Bennington Powder Company, reported the same without amendment, and recommended its passage.

Said bill was ordered to be engrossed and read the third time to-morrow morning.

(S. 56.) Mr. HARRIS, for the Committee on Manufactures, to which was referred the bill entitled: An Act to incorporate the Jamaica Leather Company, reported the same without amendment, and recommended its passage.

The bill was thereupon ordered to be engrossed and read the third time.

(S. 42.) Mr. STARK, for the Committee on the Judiciary, to which was referred the bill entitled : An Act in amendment of Section 7, of Chapter 81 of the Compiled Statutes in relation to the collection of taxes, reported the same, and with the opinion that said bill ought not to pass, and the third reading of said bill was refused.

(S. 39.) The bill entitled : An Act to pay Jasper Vial the sum therein mentioned, being the special order for this time, was taken up for consideration.

Mr. BUTLER, moved that the bill be re-committed to the Committee on Claims to ascertain the value of Claimants' personal services in pursuing and returning the felon to Jail, and report the same to the Senate.

Which motion was disagreed to.

Mr. BUTLER, moved that the bill be laid on the table, which motion was disagreed to, and the bill was ordered to be engrossed and read the third time to-morrow morning.

A message was received from the House by Mr. CUMMINGS, their Clerk, as follows :

MR. PRESIDENT :

The House have passed bills of the following titles :

(H. 51.) An Act in addition to An Act incorporating the Bellows Falls Water Company, passed November 9, 1849.

(H. 56.) An Act incorporating the Neshobe Quarrying Company.

(H. 57.) An Act to prevent a failure of Justice in certain cases.

(H. 64.) An Act for the preservation of Fish in Shipman Pond in Tinmouth.

(H. 66.) An Act relating to Depositions.

(H. 79.) An Act relating to the replevin of Intoxicating Liquor.

(H. 85.) An Act to pay Charles Shipman and Tuckerman Bridgeman, the sum therein mentioned.

(H. 86.) An Act to lay a tax on the County of Caledonia.

(H. 95.) An Act to extend the Corporate rights of the Bank of Rutland.

(H. 108.) An Act in relation to Suits before Justices of the Peace.

(H. 121.) An Act to pay William Haskins the sum hereinafter mentioned.

(H. 128.) An Act to incorporate the Windsor County Breeders Association.

In the passage of which bills, I am directed to request the concurrence of the Senate.

The House have passed in concurrence with the Senate, bills of the following titles.

(S. 14.) An Act in amendment of Section Six of Chapter Forty of the Compiled Statutes.

(S. 32.) An Act to amend an Act incorporating certain persons therein named, by the name of the Vermont Coperas Company, approved October 29, 1838.

The hour having arrived for a meeting of the Joint Assembly, the Senate repaired to the Hall of the House of Representatives.

And having returned therefrom,

(S. 11.) The bill entitled : An Act for the surrender of Fugitives from service, being the special order for three o'clock this afternoon, was taken up for consideration, pending the discussion of which.

On motion of Mr. WILDER,

The Senate Adjourned.

WEDNESDAY MORNING, NOVEMBER 3.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

(H. 57.) House bill entitled : An Act to prevent a failure of Justice in certain cases, was read twice and referred to the Committee on the Judiciary.

(H. 51.) House bill entitled : An Act in addition to An Act incorporating the the Bellows Falls Water Company, approved Nov. 9, 1849, was read twice and referred to the Committee on Manufactures.

(H. 56.) House bill entitled : An Act to incorporate the Neshobe Quarrying Company, was read twice and referred to the Committee on Manufactures.

(H. 64.) House bill entitled : An Act for the preservation of Fish in Chipman Pond in Tinmouth, was read twice and referred to the General Committee.

(H. 66.) House bill entitled : An Act relating to Depositions was read twice and referred to the Committee on the Judiciary.

(H. 79.) House bill entitled An Act relating to the replevin of Intoxicating Liquors, was read twice and referred to the Committee on the Judiciary.

(H. 85.) House bill entitled : An Act to pay Charles Shipman, and Tuckerman Bridgeman, the sum therein mentioned, was read twice and referred to the Committee on Claims.

(H. 86.) House bill entitled : An Act to lay a tax on the County of Caledonia, was read twice and referred to the Committee on Finance.

(H. 95.) House bill entitled : An Act to extend the Corporate Rights of the Bank of Rutland, was read twice, and referred to the Committee on Banks.

(H. 108.) House bill entitled : An Act in relation to Suits be-

fore Justices of the Peace, was read twice, and referred to the Committee on the Judiciary

(H. 121.) House bill entitled: An Act to pay William Haskins the sum hereinafter mentioned, was read twice, and referred to the Committee on Claims.

(H. 128.) House bill entitled: An Act to incorporate the Windsor County Breeders Association, was read twice and referred to the Committee on Agriculture.

A message was received from the Governor, by Mr. DAVIS, Secretary of Civil and Military Affairs:

Mr. PRESIDENT:

I am directed by the Governor to inform the Senate, that he has approved and signed Bills originating in the Senate of the following titles, viz:

(S. 14.) An Act in amendment of Section Six of Chapter Forty of the Compiled Statutes.

(S. 32.) An Act to amend an Act incorporating certain persons therein named, by the name of the Vermont Copperas Company, approved Oct. 29. 1838.

(S. 39.) The engrossed bill entitled: An Act to pay Jasper Vial the sum therein mentioned, was read the third time and passed.

(S. 53.) The engrossed bill entitled: An Act to incorporate the Bennington Powder Company, was read the third time and passed.

(S. 56.) The engrossed bill entitled: An Act to incorporate the Jamaica Leather Company, was read the third time and passed.

(S. 11.) The bill entitled: An Act for the surrender of Fugitives from service, was taken up for consideration.

Mr. WILSON, moved to amend the bill by adding to Section 11, after the word "*dollars*," the words, "*Provided, That nothing in this Act shall be construed as applying to any claim of a Parent or Guardian to the custody of the person and case, and service of his or her minor child or ward, or to any claim of service from an apprentice for a fixed time.*"

On motion of Mr. WILSON, the bill with the said amendment, was laid on the table and made the special order for Friday next at two o'clock, P.M.

(S. 62.) Mr. WORTHINGTON, introduced a bill entitled : An Act in amendment of An Act in relation to Trustee Process, which was read twice, and referred to the Committee on Printing.

(S. 63.) Mr. EVERTS, introduced a bill entitled ; An Act in addition to the Act incorporating the Village of Rutland, which was read twice and referred to the General Committee.

Mr. CHITTENDEN, by his own request, was excused from serving on the Select Committee, to which was referred the resolution of enquiry relative to compensation of the Clerks of Courts, and Mr. MASON was appointed to fill the vacancy.

Mr. DAVIS, by his own request, was also excused from serving upon said Committee, and Mr. CHADWICK was appointed to fill the vacancy occasioned thereby.

(S. 41.) The bill entitled : An Act to repeal an Act to authorize the business of Banking, approved Nov. 17, 1851, being the special order for this time was taken up, and, on motion of Mr. CHITTENDEN, again laid on the table.

A message was received from the House by Mr. HINKLEY, their Assistant Clerk.

MR. PRESIDENT :

The House have passed bills of the following titles :

(H. 63.) An Act to incorporate the Rockingham Lumber Company.

(H. 122.) An Act in addition to an Act entitled an Act incorporating the inhabitants of the Center Village in Springfield.

(H. 144.) An Act annexing a part of Avery's Gore in the County of Franklin, to the Town of Montgomery.

(H. 143) An Act to annex a part of the Town of Lowell to the Town of Montgomery.

(H. 123.) An Act defining the Judicial Term of the Supreme Court and Reporter.

(H. 75.) An Act to incorporate the Eagle Manufacturing Company.

In the passage of which bills I am directed to request the concurrence of the Senate.

The House have on their part adopted a Joint Resolution relative to the construction of the Act of Congress granting Bounty Lands to the Plattsburgh Volunteers.

In the adoption of which I am directed to request the concurrence of the Senate.

(H. 123.) House bill entitled : An Act defining the Judicial Term of the Supreme Court and Reporter, was read twice and referred to the Committee on the Judiciary.

(H. 75.) House bill entitled : An Act to incorporate the Eagle Manufacturing Company, was read twice and referred to the Committee on Manufactures.

(H. 63.) House bill entitled : An Act to incorporate the Rockingham Lumber Company, was read twice and referred to the Committee on Manufactures.

(H. 122.) House bill entitled : An Act in addition to an Act entitled an Act incorporating the inhabitants of the Center Village in Springfield, was read twice and referred to the General Committee.

(H. 143.) House bill entitled : An Act to annex a part of the Town of Lowell to the Town of Montgomery, was read twice and referred to the General Committee.

(H. 144.) House bill entitled : An Act annexing a part of Avery's Gore in the County of Franklin, to the Town of Montgomery, was read twice and referred to the General Committee.

The following Joint Resolution from the House was read and adopted in concurrence.

Whereas, by An Act of Congress, approved March 3d, 1855, entitled : "An Act in addition to certain Acts granting Bounty Lands to certain Officers and Soldiers who have been engaged in the Military Service of the United States", it was provided as follows in

Section 9. "And be it further enacted that the benefits of this Act shall be applied to, and embrace those who served as volunteers at the invasion of Plattsburgh in September eighteen hundred and fourteen".

And Whereas different constructions have been given to said Section nine, by different Commissioners at the Head of the Pension Office Department; one time under Commissioner Minot holding that "any service rendered with reference to that invasion, was sufficient to bring Volunteers within the Act, and that such service is considered as commencing when the companies *started* and were *en route* for the seat of war," without regard to the precise day on which such companies started and such a service was performed; But holding under his successor, the present Commissioner Whiting, that no service reference to the invasion, will entitle Volunteers to the benefit of the Act unless the Company to which they were attached was actually *en route* prior to the battle of Plattsburgh which was fought on the eleventh day of September, A. D. 1814, thus cutting off all those Volunteers who started and marched from more remote Sections of the State as news of the invasion reached them, in case it happened to be after the battle.

Therefore, Resolved by the Senate and House of Representatives, That our Senators in Congress be instructed, and our Representatives requested to procure from Congress such legislative exposition of the meaning of this Act, as will secure its benefits to those who are obviously within its Spirit and equity, as well as clearly within the original interest of Congress, and secure also if possible uniformity of construction at the Pension Office Department hereafter.

On motion of Mr. MASON,

The Senate Adjourned.

AFTERNOON.

(H. 115.) Mr. WORTHINGTON, for the General Committee to which was referred the bill from the House entitled : An Act for the preservation of Fish in McLare's Pond in Ryegate, reported the same, and recommended it passage.

Said bill was read the third time and passed.

(H. 64.) Mr. WORTHINGTON, for the same Committee to which was referred the bill from the House, entitled : An Act for the preservation of Fish in Chipman Pond in Tinmouth, reported the same, and recommended its passage, and it was read the third time and passed.

(S. 54.) Mr. WORTHINGTON, for the General Committee to which was referred the bill entitled : An Act to amend an Act to incorporate the Windham County Fire Insurance Company, approved October 30, 1838, reported the same without amendment, and recommended its passage.

The bill was ordered to be engrossed and read the third time to-morrow morning.

(S. 55.) The bill entitled : An Act relating to Commissioners of Town Lines, was taken up and referred to the General Committee.

(S. 60.) The bill entitled : An Act for the relief of bail in Criminal cases, was taken up and referred to the Committee on the Judiciary.

(H. 56.) Mr. CHADWICK, for the General Committee to which was referred the bill entitled : An Act to incorporate the Neshobe Quarrying Company, reported the same and recommended its passage, and it was read the third time and passed.

(S. 63.) Mr. NICHOLSON, for the General Committee to which was referred to the bill entitled : An Act in addition to the Act incorporating the Village of Rutland, reported the same without amendment, and recommended its passage, and the bill was ordered to be engrossed and read the third time to-morrow morning.

(H. 62.) Mr. WILSON, for the Committee on Claims, to which was referred the bill from the House entitled : An Act to pay James A. Pollard, the sum therein mentioned, reported the same without amendment, and recommended its passage.

On motion of Mr. FRENCH, of Windsor, the bill was laid on the table.

(S. 47.) Mr. FRENCH, of Windsor, for the Committee on the Judiciary, to which was referred the bill entitled : An Act in amendment of an Act relating to inquests of the dead, approved November 12, 1856, reported the same, and with the opinion that it ought not to pass.

Mr. GLEED, moved to amend the bill by authorizing the Justice who holds the inquest, to employ counsel, which motion was disagreed to, and the engrossment and third reading of said bill was refused.

(S. 5.) Mr. FRENCH of Windsor, for the Committee on the Judiciary to which was referred the bill entitled, An Act for the relief of Married Women, reported the same without amendment, and without any expression of opinion thereon.

Said bill was ordered to be engrossed and read the third time to-morrow morning.

(H. 108.) Mr. CHITTENDEN, for the Committee on the Judiciary to which was referred the bill from the House entitled : An Act in relation to Suits before Justices of the Peace, reported the same, and recommended its passage and the bill was read the third time and passed.

(H. 86.) Mr. EVERTS, for the Committee on Finance to which was referred the bill from the House entitled : An Act to lay a tax on the County of Caledonia, reported the same, and recommended its passage, and the bill was ordered to be read the third time to-morrow morning.

(S. 29.) Mr. CHITTENDEN, for the Committee on the Judiciary to which was referred the bill entitled: An Act relating to prosecutions for Bigamy, reported the same, with certain proposal of amendment, and with the opinion that the bill if amended as proposed, ought to pass.

The Senate adopted the amendment proposed by the Committee, and the bill was ordered to be engrossed and read the third time to-morrow morning.

(S. 62.) Mr. HATCH, for the Committee on Printing, to which was referred the bill entitled: An Act in amendment of an Act in relation to Trustee Process, reported the same, and with the opinion that the printing of said bill was not required, and the same was referred to the Committee on the Judiciary.

(H. 66.) Mr. FRENCH, of Windsor, for the Committee on the Judiciary, to which was referred the bill from the House entitled: An Act relating to Depositions, reported the same with certain proposal of amendment thereto, and recommended that the bill if so amended, pass. The amendment was adopted, and

On motion of Mr. GLEED, the bill was laid on the table.

(H. 121.) Mr. MASON, for the Committee on Claims to which was referred the bill from the House entitled: An Act to pay William Haskins, the sum hereinafter mentioned, reported the same, and recommended its passage, and the bill was ordered to be read the third time to-morrow morning.

(H. 85.) Mr. WILSON, for the Committee on Claims to which was referred House bill entitled: An Act to pay Charles Shipman and Tuckerman Bridgman, the sum therein mentioned, reported the same, and recommended its passage, and the bill was ordered to be read the third time to-morrow morning.

(H. 95.) Mr. SMITH, for the Committee on Banks to which was referred House Bill entitled: An Act to extend the Corporate Rights of the Bank of Rutland, reported the same and recommended its passage, and the bill was ordered to be read the third time to-morrow morning.

(H. 66.) Mr. GLEED, called up House bill entitled: An

Act relating to Depositions, and the same was ordered to be read the third time to-morrow morning.

(S. 64.) Mr. WILSON, introduced a bill entitled : An Act relating to the collection of Fines and Costs, which was read twice and referred to the Committee on Printing.

(H. 123.) Mr. STARK, for the Committee on the Judiciary, to which was referred House bill entitled : An Act defining the Judicial Term of the Supreme Court and Reporter, reported the same and recommended its passage.

Mr. EVERTS moved that the Senate propose to the House to amend the bill by striking out the word *Reporter*, whenever it occurs therein, which motion was agreed to, and the bill was ordered to be read the third time to-morrow morning.

(H. 79.) Mr. CHITTENDEN, for the Committee on the Judiciary to which was referred the bill from the House entitled : An Act relating to the replevin of Intoxicating Liquor, reported the same, without any expression of opinion thereon.

On motion of Mr. CLARKE, the bill was laid on the table.

(S. 52.) Mr. STARK, for the Committee on the Judiciary to which was referred the bill entitled : An Act relating to the liberation of Minors, reported the same with certain proposal of amendment, and with the opinion that the bill if amended as proposed, ought to pass.

The Senate adopted the amendment proposed by the Committee, and the bill was ordered to be engrossed and read the third time to-morrow morning.

On motion of Mr. WILSON,

The Senate Adjourned.

THURSDAY MORNING, NOVEMBER 4.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

(S. 64.) Mr. HATCH, for the Committee on Printing to which was referred the bill entitled: An Act relating to the collection of Fines and Costs, reported the same and recommended that three hundred copies be printed, and the bill was laid on the table and three hundred copies ordered to be printed.

(S. 65.) Mr. STARK, introduced a bill entitled: An Act to pay A. B. Gardner the sum therein mentioned for services as Bank Commissioner, which was read twice and referred to the Committee on Claims.

(S. 41.) Mr. BARTHOLOMEW, called up the bill entitled: An Act to repeal an Act entitled an Act to authorize the business of Banking, approved November 17, 1851, and the bill was ordered to be engrossed and read the third time to-morrow morning.

(S. 37.) Mr. CHITTENDEN, for the Committee on the Judiciary to which was referred the bill entitled: An Act relating to proceedings upon Executions, reported the same with proposals of amendment, and with the opinion that the bill, if amended as proposed, ought to pass.

The amendments proposed by the Committee were adopted, and the bill laid on the table and made the special order for to-morrow morning at ten o'clock.

(S. 45.) Mr. WILDER, called up the bill entitled: An Act to repeal an Act entitled an Act for the draining of Swamps and other low lands, approved November 18, 1856, and the same was ordered to be engrossed and read the third time to-morrow morning.

(S. 29.) Engrossed bill entitled: An Act relating to prosecutions for Bigamy, was read the third time and passed.

(S. 63. Engrossed bill entitled : An Act in addition to the Act incorporating the village of Rutland, was read the third time and passed.

(S. 64.) Engrossed bill entitled : An Act relating to the collection of Fines and Costs, was read the third time and passed.

(S. 52.) The engrossed bill entitled : An Act relating to the limitation of Minors, was read the third time, and on motion of Mr. CHITTENDEN was committed to Mr. Nicholson, with instructions to amend the same by inserting the words, "or any part thereof" after the word "*wages*", in the third line of Section 1.

Mr. NICHOLSON, reported said bill amended as directed, and the bill was thereupon passed.

(S. 5.) Engrossed bill entitled : An Act for the relief of Married Women, was read the third time and passed.

(H. 66.) House bill entitled : An Act relating to Depositions, was read the third time and passed, in concurrence, with the proposal of amendment.

(H. 86.) House bill entitled : An Act to lay a Tax on the County of Caledonia, was read the third time and passed.

(H. 85.) House bill entitled : An Act to pay Charles Shipman and Tuckerman Bridgman, the sum therein mentioned, was read the third time.

Mr EVERTS moved that the bill be recommitted to the Committee on Claims

Mr. GLEED moved that the bill be laid on the table, which motion was disagreed to.

And the question recurring on the motion of Mr EVERTS, to recommit the bill to the Committee on Claims. Said motion was disagreed to.

And the question being—Shall the bill pass ?

It was decided in the affirmative : } Yeas 18,
 } Nays 9.

The yeas and nays being demanded by Mr. GLEED, were taken and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, BILL, BUTLER, CHADWICK, CHITTENDEN, CLARKE, DAVIS, FRENCH of Essex, HATCH, MASON, POLAND, PUTNAM, SMITH TUTTLE, WEAD, WILDER, WILSON, and WORTHINGTON.—18.

Those Senators who voted in the negative, are

Messrs. EVERTS, FRENCH, of Windsor, GLEED, HARRIS, NICHOLSON, PHELPS, RUMSEY, RAYMOND, and STARK.—9.

So said bill was passed.

A message was received from the House by Mr. HINKLEY, Assistant Clerk, as follows :

Mr. PRESIDENT :

The Governor has announced to the House that he has approved and signed bills originating in the House of the following titles :

(H. 1.) An Act to incorporate the Village of Brattleboro.

(H. 2.) An Act to alter the name of the National Life Insurance Company of the United States.

(H. 25.) An Act extending the time for constructing the Connecticut and Passumpsic Rivers Railroad.

(H. 14.) An Act to prevent persons from fraudulently burning their own buildings, with intent to defraud Insurance Companies.

(H. 34.) An Act in addition to Chapter Twenty-nine of the Compiled Statutes.

(H. 39.) An Act to annex a part of the Town of Somerset to the Town of Wilmington, and a part thereof to the Town of Stratton.

The House have passed bills of the following titles :

(H. 74.) An Act to incorporate the Connecticut River Mutual Fire Insurance Company.

(H. 137.) An Act for the preservation of Fish in Franklin Pond in the Town of Franklin.

(H. 73.) An Act incorporating the Vermont Insurance Company.

In the passage of which bills I am directed to request the concurrence of the Senate.

The House have passed in concurrence with the Senate, bills of the following titles.

(S. 44.) An Act to incorporate the Village of Manchester.

(S. 46.) An Act to incorporate the Equinox Company.

On motion of Mr. BUTLER,

The Senate Adjourned.

AFTERNOON.

(H. 95.) House bill entitled : An Act to extend the Corporate Rights of the Bank of Rutland, was read the third time and passed.

(H. 121.) House bill entitled : An Act to pay William Haskins, the sum therein mentioned, was read the third time and passed.

(H. 123.) House bill entitled : An Act defining the Judicial Term of the Supreme Court and Reporter, was read the third time and passed with proposal of amendment, as spread upon the Journal of yesterday.

(H. 73.) House bill entitled : An Act incorporating the Vermont Insurance Company, was read twice and referred to the General Committee.

(H. 137.) House bill entitled : An Act for the preservation of Fish in Franklin Pond in the Town of Franklin, was read twice, and referred to the General Committee.

(H. 74.) House bill entitled : An Act to incorporate the Connecticut River Mutual Fire Insurance Company, was read twice and referred to the General Committee.

(S. 50.) Mr. SANFORD, for the Committee on Agriculture, to which was referred the bill entitled: An Act to promote improvement in the Breeds of Cattle, reported the same without amendment, and recommended its passage. The bill was ordered to be engrossed and read the third time to-morrow morning.

(H. 128.) Mr. SANFORD, for the Committee on Agriculture to which was referred House bill entitled: An Act to incorporate the Windsor County Breeder's Association, reported the same, and recommended its passage, and the bill was read the third time.

On motion of Mr. FRENCH, of Windsor, said bill was laid on the table.

(H. 144.) Mr. WORTHINGTON, for the General Committee to which was referred House bill entitled: An Act annexing a part of Avery's Gore, in the County of Franklin, to the Town of Montgomery, reported the same and recommended its passage, and the bill was read the third time and passed.

(H. 143.) Mr. WORTHINGTON, for the General Committee to which was referred House bill entitled: An Act to annex a part of the Town of Lowell to the Town of Montgomery, reported the same and recommended its passage, and the bill was read the third time and passed.

(H. 122.) Mr. WORTHINGTON, for the same Committee to which was referred the bill from the House entitled: An Act in addition to an Act entitled an Act incorporating the inhabitants of the Center Village in Springfield, reported the same and recommended its passage, and the bill was read the third time and passed.

(H. 51.) Mr. HARRIS, for the Committee on Manufactures to which was referred the bill from the House entitled: An Act in addition to an Act, incorporating the Bellows Falls Water Company, passed Nov. 9, 1849, reported the same and recommended its passage, and the bill was read the third time and passed.

(S. 66.) Mr. WILSON introduced a bill entitled: An Act in amendment of and in addition to An Act entitled An

Act to expedite proceedings in Chancery, approved Nov. 10, 1857, which was read twice, and referred to the Committee on Printing.

Mr. CHITTENDEN offered the following Joint Resolution, which was read and adopted :

Resolved, By the Senate and House of Representatives, That the President of the Senate and the Speaker of the House of Representatives, adjourn their respective Houses on Wednesday, the seventeenth day of November inst. at six o'clock A.M.

Mr. CHITTENDEN moved that the vote adopting said resolution be reconsidered.

Which motion was disagreed to.

(S. 47.) Mr. FRENCH of Windsor, moved that the vote by which the Senate refused a third reading of the bill entitled : An Act in amendment of An Act relating to Inquests of the Dead, approved Nov 12, 1856, be reconsidered.

Which motion was agreed to, and the bill was ordered to be engrossed and read the third time to-morrow morning.

Mr. RAYMOND for the committee on Bills, reported that said Committee had examined and this day submitted to the Governor for his approval and signature, bills originating in the Senate of the following titles, to wit :

(S. 44.) An Act to incorporate the Village of Manchester.

(S. 46.) An Act to incorporate the Equinox Company.

(S. 60.) Mr WORTHINGTON for the General Committee to which was referred the bill entitled : An Act for the relief of bail in Criminal Cases, reported the same without amendment, and recommended its passage, and the bill was ordered to be engrossed and read the third time to-morrow morning.

(H. 137.) Mr. WORTHINGTON, for the same Committee, to which was referred the bill from the House entitled : An Act for the preservation of Fish in Franklin Pond in the County of Franklin, reported the same, and recommended its passage, and the bill was ordered to be read the third time to-morrow morning.

(S. 67.) Mr. BUTLER introduced a bill entitled : An Act to

pay Charles Pratt the sum therein mentioned, which was read twice and referred to the Committee on Claims.

(S. 55.) Mr. NICHOLSON for the General Committee to which was referred the bill entitled : An Act relating to Commissioners of Town Lines, reported the same without amendment and recommended its passage, and the bill was ordered to be engrossed and read the third time to-morrow morning.

(S. 36.) Mr. DAVIS, for the Committee on Roads to which was referred the bill entitled : An Act relating to Highways, reported the same without amendment, and recommended its passage, and the bill was ordered to be engrossed and read the third time to-morrow morning.

The President laid before the Senate the following communication from the Governor :

Hon. BURNHAM MARTIN :

PRESIDENT OF THE SENATE.

Sir : I have the honor to inform the Senate, that in conformity to the first Section of An Act entitled : "An Act to Establish a Board of Education," approved November 18, 1856. I do nominate, and if the Senate advise and consent thereto, I do appoint the following named gentlemen as members of the Board of Education, contemplated by said Act.

CALVIN PEASE, of Burlington,
J. DORR BRADLEY, of Brattleboro,
TIMOTHY P. REDFIELD, of Montpelier.
HILAND HALL.

EXECUTIVE CHAMBER, }
November 4, 1858. }

The nominations made in the foregoing communication were thereupon confirmed.

(S. 68.) Mr. WILSON, introduced a bill entitled : An Act in addition to, and in amendment of Chapter 99 of the Compiled Statutes, which was read twice and referred to the Committee on Agriculture.

(H. 74.) Mr. NICHOLSON, for the General Committee to which was referred House bill entitled : An Act to incorporate

the Connecticut River Rail Road, reported the same and recommended its passage.

On motion of Mr. BUTLER,

Ordered, That the bill be laid on the table.

(H. 75.) Mr. HARRIS, for the Committee on Manufactures to which was referred House bill entitled: An Act to incorporate the Eagle Manufacturing Company, reported the same and recommended its passage.

Said bill was read the third time and passed.

(S. 34.) Mr. FRENCH, of Windsor, for the Committee on the Judiciary to which was referred the bill entitled: An Act in relation to the Attachment of Reversionary Interest in Personal Property.

Said bill was ordered to be engrossed and read the third time to-morrow morning.

(S. 59.) Mr. STARK, for the Committee on the Judiciary to which was referred the bill entitled: An Act in amendment of Section 1, of an Act relating to the Homestead, approved Nov. 10, 1857, reported the same without amendment and recommended its passage.

(S. 66.) Mr. HATCH, for the Committee on Printing, to which was referred the bill entitled: An Act in amendment of an Act in addition to an Act, entitled An Act to expedite proceedings in Chancery, approved Nov. 10, 1857, reported the same and recommended that three hundred copies be printed, and the bill was laid on the table and three hundred copies ordered to be printed.

(S. 69.) Mr. CHADWICK introduced a bill entitled: An Act relating to Cemetery Associations, which was read twice and referred to the Committee on Printing.

On motion of Mr. NASH,

The Senate Adjourned.

FRIDAY MORNING, NOVEMBER 5.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

A message was received from the Governor by Mr. DAVIS, Secretary of Civil and Military Affairs :

Mr. PRESIDENT :

I am directed by the Governor to inform the Senate, that he has approved and signed bills originating in the Senate of the following titles :

(S. 44.) An Act to incorporate the Village of Manchester.

(S. 46.) An Act to incorporate the Equinox Company.

(S. 70.) Mr. EVERTS introduced a bill entitled : An Act to incorporate the Pittsford Marble Company, which was read twice and referred to the Committee on Manufactures.

(S. 71.) Mr. STARK introduced a bill entitled : An Act incorporating the Union Paper Mill Company, which was read twice and referred to the Committee on Manufactures.

(H. 76.) Mr. WILDER, for the Select Committee to which was referred the bill from the House entitled : An Act to provide for the appointment of a Curator, to take charge of the Cabinet of Natural History, reported the same with proposal of amendment, and with the opinion that the bill, if amended as proposed, ought to pass.

The Senate adopted the amendment proposed by the Committee, and the bill was read the third time, and passed in concurrence, with proposal of amendment.

(H. 68.) Mr. WILDER, for the Committee on Agriculture, to which was referred the bill from the House entitled : An Act to incorporate the Connecticut River Fair Ground Company, reported the same without amendment, and recommended its passage, and the bill was read the third time and passed.

(H. 137.) House bill entitled : An Act for the preservation

of Fish in Franklin Pond, in the town of Franklin, was read the third time and passed.

(S. 47.) The engrossed bill entitled: An Act in amendment of an Act relating to Inquests of the Dead, approved Nov. 12, 1856, was read the third time and passed.

(S. 45.) The engrossed bill entitled: An Act to repeal an Act entitled an Act, for the draining of Swamps and other low lands, approved November 18, 1856, was read the third time and passed.

(S. 55.) The engrossed bill entitled: An Act relating to Commissioners of Town Lines, was read the third time, and on motion of Mr. CLARKE, laid on the table and made the special order for Tuesday next at 10 o'clock A.M.

(S. 41.) Engrossed bill entitled: An Act to Authorize the Business of Banking, approved November 17, 1851, was read the third time and passed.

(S. 36.) Engrossed bill entitled: An Act relating to Highways, was read the third time.

Mr. FRENCH of Windsor, moved that the bill be committed to a Senator with instructions to amend as by him suggested.

Which motion was disagreed to.

Mr. CHADWICK, moved that the bill be committed to a Senator with instruction to amend by striking out Section 1, and also, the words "where there are loose stones in the traveled portion of said Highways."

Which motion was disagreed to, and the bill was thereupon passed.

(S. 60.) Engrossed bill entitled: An Act for the relief of bail in Criminal Cases, was read the third time, and, on motion of Mr. EVERTS, laid on the table.

The engrossed bills of the following titles were severally read the third time, and passed, viz:

(S. 50.) An Act to promote improvement in the Breeds of Cattle.

(S. 34.) An Act in relation to the Attachment of Reversionary Interest in Personal Property.

(S. 59.) An Act in amendment of Section one, of an Act relating to the Homestead, approved November 10, 1857.

(S. 64.) The bill entitled : An Act relating to the collection of Fines and Costs, also the bill entitled : (S. 66.) An Act in amendment of, and in addition to, an Act entitled an Act to expedite proceedings in Chancery, approved Nov. 10, 1857, were taken up and severally referred to the Committee on the Judiciary.

(S. 37.) The bill entitled : An Act relating to proceedings upon Executions, being the special order for this time, was taken up for consideration, the question being on the engrossment and third reading thereof.

Mr. NICHOLSON, moved to amend the bill by inserting in Section 1, line 3, after the word *unsatisfied*, the words "for an amount exceeding fifty dollars."

Mr. GLEED, moved to recommit the bill to the Committee on the Judiciary, with instructions to make provision therein for costs to the adverse party, or parties, to limit the time within which the application is to be made after the return of the execution, to give concurrent jurisdiction to the Judges of the County Court, to make some provision in case there are two debtors, and to define the place of hearing.

On motion of Mr. CHITTENDEN, the bill and pending motion, (said motion being reduced to writing,) was laid on the table, and made the special order for three o'clock this afternoon.

On motion of Mr. CLARKE,

The Senate Adjourned.

AFTERNOON.

Mr. WEAD, offered the following Resolution, which was read :

Resolved, That when the Senate adjourn, it adjourn to meet at ten o'clock on Tuesday morning next.

On motion of Mr. STARK, said Resolution was laid on the table.

(H. 63.) Mr. HARRIS, for the Committee on Manufactures to which was referred House bill entitled : An Act to incorporate the Rockingham Lumber Company, reported the same and recommended its passage, and it was read the third time and passed.

(S. 71.) Mr. HARRIS, for the Committee on Manufactures to which was referred the bill entitled : An Act incorporating the Union Paper Mill Company, reported the same without amendment, and recommended its passage.

Said bill was ordered to be engrossed and read the third time.

(S. 72.) Mr. DAVIS introduced a bill entitled : An Act to extend the provisions of the Act incorporating the Vermont and Canada Rail Road Company, approved October 31, 1845, which was read twice and referred to the Committee on Roads.

Said Committee reported the bill back to the Senate without amendment, and recommended its passage, the rule was suspended, and the bill ordered to be engrossed and read the third time this afternoon.

Whereupon the bill, having been engrossed, was read the third time and passed.

(H. 73.) Mr. WORTHINGTON for the General Commit-

tee to which was referred House bill entitled : An Act incorporating the Vermont Insurance Company, reported the same and recommended its passage.

On motion of Mr. NICHOLSON, the bill was laid on the table.

Mr. STARK called up the Resolution introduced by Mr. Wead, this afternoon, providing for an adjournment from this day to Tuesday next.

Mr. CHITTENDEN moved to strike out the word Tuesday and insert Monday.

Which motion was disagreed to.

And the question being—Shall the Resolution be adopted ?

It was decided in the affirmative : $\left. \begin{array}{l} \text{Yeas 15,} \\ \text{Nays 12.} \end{array} \right\}$

The Yeas and Nays being demanded by Mr. CHITTENDEN, were taken and are as follows :

Those Senators voted in the affirmative, are

Messrs BUTLER, EVERTS, FRENCH of Essex, FRENCH of Windsor, HATCH, MASON, NASH, NICHOLSON, PHELPS, POLAND, SMITH, TUTTLE, WEAD, WILDER, and WILSON.—15.

Those Senators who voted in the negative, are

Messrs. BARTHOLOMEW, BILL, BILLINGS, CHADWICK, CHITTENDEN, CLARKE, DAVIS, HARRIS, RUMSEY, RAYMOND, STARK, and WORTHINGTON.—12.

So said Resolution was adopted.

(S. 27.) Mr. BARTHOLOMEW for the Committee on Finance, to which was referred the bill entitled : An Act in amendment of Chapter 116 of the Compiled Statutes entitled Salaries and Fees, reported the same with a proposal of amendment thereto, and with the opinion that the bill if amended as proposed ought to pass.

On motion of Mr. CHITTENDEN, the bill and proposed amendment was laid on the table.

(S. 1.) Mr. SMITH, for the Committee on Banks, to which was referred the bill entitled : An Act repealing an Act relating to Svaings Banks, approved November 10, 1857, reported

the same with a proposed amendment, and with the opinion that the bill, if amended as proposed, ought to pass.

On motion of Mr. EVERTS, the bill and proposed amendment was laid on the table.

(S. 73.) Mr. BUTLER, introduced a bill entitled : An Act in addition to, and in amendment of an Act entitled an Act to incorporate the Vermont and Canada Rail Road Company, approved October 31, 1845, which was read twice and referred to the Committee on Roads.

(S. 11.) The Senate proceeded to the consideration of the bill entitled : An Act for the surrender of Fugitives from service, it being the special order for this time.

Mr. GLEED, moved to amend the title by striking out the words "for the surrender of," and insert in lieu thereof the words "*relating to.*"

Which motion was agreed to, and the bill was laid on the table, and made the special order for Wednesday next, at 2 o'clock P. M.

(S. 73.) Mr. BUTLER, for the Committee on Roads, to which was referred the bill entitled : An Act in addition to, and in amendment of an Act entitled an Act to incorporate the Vermont and Canada Rail Road Company, approved October 31, 1845, made a report thereon in writing,* together with a substitution of new bill of the same title, and with the opinion that said substituted bill ought to pass.

On motion of Mr. EVERTS, the bill and substitute were laid on the table, and three hundred copies ordered to be printed, under the direction of the Secretary.

(S. 74.) Mr. BUTLER, introduced a bill entitled : An Act incorporating the Jamaica Cemetery Association, which was read twice and referred to the General Committee.

(S. 58.) Mr. FRENCH, of Windsor, for the Committee on the Judiciary to which was referred the bill entitled : An Act in addition to the Law regulating Trustee Process, reported the same without amendment and recommended its passage.

*See Appendix.

Said bill was ordered to be engrossed and read the third time on Tuesday morning next.

Mr. DAVIS, Secretary of Civil and Military Affairs, appeared on the floor of the Senate with a message from the Governor, as follows :

Mr. PRESIDENT :

I am directed by the Governor to transmit to the Senate a communication in writing, with an accompanying document.

The communication named in the foregoing message was read, as follows :

HON. BURNHAM MARTIN,

PRESIDENT OF THE SENATE.

Sir: I have the honor to transmit to the Senate for the use of the General Assembly a copy of a contract* made by my predecessor, on the 2d of January, 1858, with Phœbe Thompson, Executive of Zadock Thompson, deceased, for the purchase by the State, of the Cabinet of collections in Natural History and Mineralogy, belonging to the estate of said deceased, such purchase having been made under the authority of an Act of the General Assembly passed for that purpose, November 7, 1857.

The original contract, together with the Catalogue or Schedule of the Cabinet mentioned in the contract, remain on file in the Executive Department, subject to the order of the General Assembly.

HILLAND HALL.

EXECUTIVE CHAMBER, }
November 5, 1858. }

Said copy of contract* with Mrs. Thompson, was read and laid on the table.

Mr. CHITTENDEN offered the following Resolution, which was read and adopted :

Resolved, By the Senate and House of Representatives, That the two Houses meet in Joint Assembly on Wednesday next at ten o'clock A.M., for the purpose of electing a Rail Road Commissioner.

*See Appendix.

(S. 12.) Mr CHITTENDEN, called up the bill entitled: An Act in addition to Chapter Thirty-eight of the Compiled Statutes in relation to the action of Ejectment, and the engrossment and third reading thereof was refused.

(S. 37.) The Senate proceeded to consider the bill entitled: An Act relating to proceedings upon Execution, and by unanimous consent, Mr. GLEED, withdrew his motion to recommit the same to the Committee on the Judiciary, with instructions to amend as spread upon the Journal of this morning.

Mr. CHITTENDEN offered the following amendment, add to the bill,

Sec. —. Before making any order under this Act, such Judge may in his discretion require the Execution Creditor to furnish sufficient security for costs to any party who may be affected by such order.

Mr. GLEED, moved an amendment to the amendment, to wit: that this new Section be placed as the last Section but one, in the bill, and on motion of Mr. POLAND, the bill and amendments was *ordered* to be laid on the table and made the special order for Tuesday next at 2 o'clock P.M.

(S. 74.) Mr. NICHOLSON, for the General Committee to which was referred the bill entitled: An Act incorporating the Jamaica Cemetery Association, reported the same without amendment and, recommended its passage.

Said bill was ordered to be engrossed and read the third time.

(S. 69.) Mr. HATCH, for the Committee on Printing, to which was referred the bill entitled: An Act relating to Cemetery Associations, reported adverse to the printing thereof, and the same was referred to the General Committee.

On motion of Mr. CHITTENDEN,

The Senate Adjourned.

TUESDAY MORNING, NOVEMBER 9.

Prayer by the Chaplain.

The Journal of Friday was read and approved.

(S. 75.) Mr. HARRIS, introduced a bill entitled : An Act incorporating the Windham Manufacturing Company, which was read twice, and referred to the Committee on Manufactures.

(S. 75.) Mr. STARK, introduced a bill entitled : An Act in addition to an Act approved Nov. 14, 1855, entitled : An Act in addition to an Act passed Nov. 3d, A. D. 1849, entitled : An Act to incorporate the Village of Bennington, which was read twice and referred to the General Committee.

(S. 77.) Mr. DAVIS, introduced a bill entitled : An Act in amendment of an Act approved Dec. 6, 1853, entitled : An Act to amend an Act to prevent the traffic in Intoxicating Liquors for the purpose of drinking, approved Nov. 23, 1852, which was read twice, and referred to the Committee on Printing.

A message was received from the Governor by Mr. DAVIS, Secretary of Civil and Military Affairs :

Mr. PRESIDENT :

I am directed by the Governor to inform the Senate, that he has approved and signed a bill originating in the Senate of the following title, viz :

(S. 72.) An Act to extend the provisions of the Act incorporating the Vermont and Canada Railroad Company, approved Oct. 31, A. D., 1845.

(S. 58.) Engrossed bills entitled : An Act in addition to the law regulating Trustee Process.

(S. 74.) An Act incorporating the Jamaica Cemetery Association.

(S. 71.) An Act incorporating the Union Paper Mill Company were severally read the third time and passed.

(S. 73.) The bill entitled : An Act in addition to, and in amendment of an Act entitled an Act to incorporate the Ver-

mont and Canada Rail Road Company, approved Oct. 31, 1845, was taken up, and on motion of Mr. CHITTENDEN, again laid on the table, and made the special order for to-morrow morning at ten o'clock.

(S. 55.) The bill entitled: An Act relating to Commissioners of Town Lines, was taken up, and on motion of Mr. EVERTS the bill was indefinitely postponed.

(S. 77.) Mr. HATCH, for the Committee on Printing to which was referred the bill entitled: An Act in amendment of an Act approved Dec. 6th, 1853, entitled: An Act to amend an Act to prevent the traffic in Intoxicating Liquors for the purpose of drinking approved Nov. 23, 1852, reported the same and recommended that three hundred copies be printed for the use of the Senate. Said bill was laid on the table and three hundred copies ordered to be printed.

(H. 74.) House bill entitled: An Act to incorporate the Connecticut River Mutual Fire Insurance Company, was taken up, on motion of Mr. HARRIS, the bill was laid on the table and made the special order for to-morrow afternoon at 2 1-2 o'clock.

(S. 27.) The bill entitled: An Act in amendment of Chapter 116 of the Compiled Statutes entitled: Salaries and Fees, was taken up, and on motion of Mr. CHITTENDEN, was again laid on the table and made the special order for Thursday next at 2 o'clock P.M.

(S. 1.) The bill entitled: An Act repealing an Act relating to Savings Banks, approved November 10, 1857, was taken up, and on motion of Mr. EVERTS, again ordered to lie, and made the special order for to-morrow afternoon at three o'clock.

(H. 79.) House bill entitled: An Act relating the replevin of Intoxicating Liquor, was read the third time and passed.

(H. 128.) House bill entitled: An Act to incorporate the Windsor County Breeders Association, having been heretofore read the third time, was passed.

A message was received from the House by Mr. HINKLEY, their Assistant Clerk.

Mr. PRESIDENT :

The Governor has announced to the House that he has approved and signed bills of the following titles :

(H. 9.) An Act for the preservation of Fish in Franklin Pond.

(H. 11.) An Act to incorporate the Felchville Cemetery Association.

(H. 15.) An Act for the preservation of Fish in Castleton Pond.

(H. 35.) An Act to avoid delay in Suits at Law.

(H. 52.) An Act for the preservation of Fish in Mud Pond in Williston.

(H. 53.) An Act for the preservation of Fish in Joe's Pond, and the stream running therefrom to the Lamoille River.

(H. 56.) An Act to incorporate the Neshobe Quarrying Company.

(H. 64.) An Act for the preservation of Fish in Chipman Pond in Tinmouth.

(H. 115.) An Act for the preservation of Fish in McLenis Pond in Ryegate.

The House have considered the amendments proposed by the Senate to House bill, entitled :

(H. 66.) An Act relating to Depositions.

And have resolved to concur therein.

The House have also considered the amendments proposed by the Senate to House bill entitled :

(H. 125.) An Act defining the Judicial Term of the Supreme Court and Reporter, and have refused to concur therein.

The House have passed bills of the following titles :

(H. 110.) An Act relating to Common Schools.

(H. 93.) An Act relating to the Manufacture of Shingles in this State.

(H. 8.) An Act for the aid of Fire Departments.

(H. 101.) An Act to Incorporate the Ascutney Mutual Fire Insurance Company.

(H. 156.) An Act to incorporate the Fletcher Cemetery Association.

(H. 71.) An Act to incorporate the Burlington Cornet Band.

(H. 133.) An Act relating to Historical Collections and Publications.

(H. 120.) An Act to protect Shade and Ornamental Trees in the Highways.

(H. 177.) An Act in relation to Taxing Town Farms and other Property belonging to Towns.

(H. 149.) An Act in alteration of Section Thirty-two of Chapter Fifteen of the Compiled Statutes.

(H. 70.) An Act to incorporate the Vermont Homœopathic Medical Society.

(H. 140.) An Act relating to Mechanics Lien.

In the passage of which bills I am directed to request the concurrence of the Senate.

The House have passed in concurrence with the Senate the bill entitled :

(S. 28.) An Act altering the name of Thomas Harris Giddings.

The House have considered the Joint Resolution, originating in the Senate, relative to a Joint Assembly for the election of a Rail Road Commissioner and have refused to concur therein.

The Governor has informed the House that he has approved and signed bills of the following titles :

(H. 51.) An Act in addition to an Act incorporating the Bellows Falls Water Company, passed November 9, 1849.

(H. 85.) An Act to pay Charles Shipman and Tuckerman Bridgman the sum therein mentioned.

(H. 86.) An Act to lay a Tax on the County of Caledonia

(H. 95.) An Act to extend the Corporate Rights of the Bank of Rutland.

(H. 108.) An Act in relation to Suits before Justice of the Peace.

(H. 121.) An Act to pay William Haskins the sum hereinafter mentioned.

(H. 122.) An Act in addition to an Act entitled an Act incorporating the Inhabitants of the Center Village in Springfield.

(H. 143.) An Act to annex a part of the Town of Lowell, to the Town of Montgomery.

(H. 144.) An Act annexing a part of Avery's Gore in the County of Franklin to the Town of Montgomery.

(S. 60.) Mr. EVERTS called up the bill entitled: An Act for the relief of Bail in Criminal Cases, and moved that the same be committed to a Senator with instructions to amend the first Section thereof, by inserting after the ninth line as follows:

"And upon the commitment of such principal to the Jail in the County, when such recognizance is taken, the bail shall be thereby discharged."

Which motion was agreed to, and the bill was committed to Mr. EVERTS to amend accordingly, who reported the same to the Senate amended as directed, and said bill was read the third time and passed.

Bills from the House entitled:

(H. 62.) An Act to pay James A. Pollard the sum therein mentioned.

(H. 73.) An Act incorporating the Vermont Insurance Company, were severally read the third time and passed.

Bills from the House were severally read twice and referred as follows, to wit:

(H. 110.) An Act relating to Common Schools—to the Committee on Education.

(H. 93.) An Act relating to the Manufacture of Shingles in this State—to the Committee on Manufactures.

(H. 8.) An Act for the aid for Fire Departments—to the General Committee.

(H. 71.) An Act to incorporate the Burlington Cornet Band—to the General Committee.

(H. 201.) An Act to protect Shade and Ornamental Trees in the Highways—to the General Committee.

(H. 149.) An Act in alteration of Section Thirty-two of Chapter Fifteen of the Compiled Statutes—to the Committee on the Judiciary.

(H. 70.) An Act to incorporate the Vermont Homœopathic Society—to the General Committee.

On motion of Mr. HARRIS,

The Senate Adjourned.

AFTERNOON.

(S. 75.) Mr. CHADWICK, for the Committee on Manufactures, to which was referred the bill entitled : An Act to incorporate the Windham Manufacturing Company, reported the same without amendment, and recommended its passage.

Said bill was ordered to be engrossed and read the third time.

Bills from the House were severally read twice, and referred to Committees as follows, to wit:

(H. 133.) An Act relating to Historical Collections and Publications—to the Committee on Education.

(H. 101.) An Act to incorporate the Ascutney Mutual Fire Insurance Company—to the General Committee.

(H. 156.) An Act to incorporate the Fletcher Cemetery Association—to the General Committee.

(H. 123.) House bill entitled : An Act defining the Judicial Term of the Supreme Court and Reporter, was taken up for consideration, and on motion of Mr. CHITENDEN laid on the table.

(S. 37.) The bill entitled : An Act relating to proceedings upon Executions being the special order for this time, was taken up and the amendment heretofore proposed by Mr. Chittenden, and spread upon the Journal was adopted.

Mr. EVERTS moved to amend the bill by inserting after the words "such judge," in line 6 of Section 1 the words "within the County where such debtor resides.

Which motion was agreed to, and on motion of Mr. EVERTS the bill was laid on the table.

(H. 7.) House bill entitled : An Act to enable School Districts more conveniently to collect their Taxes, was taken up, and on motion of Mr. WILDER, was indefinitely postponed.

A message was received from the House by Mr. BIGELOW, their Assistant Clerk.

Mr. PRESIDENT :

The House on their part have adopted a Joint Resolution relative to the final Adjournment of the General Assembly, the adoption of which I am directed to request the concurrence of the Senate.

Said Resolution was read and is as follows :

Resolved, By the Senate and House of Representatives, That the Presiding Officer of each House appoint a Committee of three members from their respective Houses, whose duty shall be to examine into the business of the Legislature, and report as soon as convenient, to their respective Houses, the earliest day practicable for a final Adjournment.

And the same was thereupon adopted, and the President appointed to constitute said Committee on the part of the Senate,

Messrs. BARTHOLOMEW,
CHITTENDEN and
GLEED.

(S. 70.) Mr. HARRIS, for the Committee on Manufactures to which was referred the bill entitled : An Act to incorporate the Pittsford Marble Company, reported the same without amendment, and recommended its passage.

Whereupon said bill was ordered to be engrossed and read the third time.

(S. 17.) Mr. WEAD, for the Committee on Land Taxes, to which was referred the bill entitled : An Act in relation to Engine Companies, reported the same, and with the opinion that the bill ought not to pass.

Whereupon the third reading of said bill was refused.

A message was received from the Governor by Mr. DAVIS, Secretary of Civil and Military Affairs :

Mr. PRESIDENT :

I am directed by the Governor to transmit to the Senate a communication in writing with an accompanying document.*

Said Communication was read and is as follows :

HON. BURNHAM MARTIN,

PRESIDENT OF THE SENATE.

Sir: I have the honor to transmit to the Senate for the information of the General Assembly, the Report* of the Quarter Master General, showing the situation and condition of the Arms and Military Property of the State.

HILAND HALL.

EXECUTIVE CHAMBER,)
November 8, 1858. }

Said Report* on motion of Mr. CHITTENDEN, was referred to the Committee on Military Affairs.

(H. 37.) Mr. WILSON, for the Committee on Claims, to which was recommitted the bill from the House entitled: An Act to pay J. H. Hastings, the sum therein mentioned, reported the same, and the bill was read the third time and passed.

(H. 156.) Mr. WORTHINGTON, for the General Committee to which was referred the bill entitled: An Act to incorporate the Fletcher Cemetery Association, reported the same and recommended its passage.

Ordered, That said bill be read the third time to-morrow morning.

(H. 120.) Mr. WORTHINGTON, for the same Committee to which was referred House bill entitled: An Act to protect Shade and Ornamental Trees in the Highways, reported the same, and recommended its passage.

Ordered, That the bill be read the third time to-morrow morning.

(S. 78.) Mr. WORTHINGTON introduced a bill entitled: An Act laying a Tax on the Lands in Lowell, which was read twice and referred to the Committee on Land Taxes.

*See Appendix.

Mr. WORTHINGTON, also presented the petition of A. J. Dodge, and 70 others, citizens of Lowell, praying for the passage of the last aforesaid bill, which was referred to the same Committee.

(S. 33.) Mr. POLAND for the Committee on Finance, to which was referred the bill entitled: An Act making an additional appropriation for a Statue of Ethan Allen, reported the same without amendment and recommended its passage.

Ordered, That the bill be engrossed and read the third time.

(S. 37.) Mr. DAVIS called up the bill entitled: An Act relating to proceeding upon Executions.

Mr. CHITTENDEN moved an amendment of the bill to the third Section of said bill, which was agreed to.

And on motion of Mr. GLEED the bill was laid on the table and made the special order for Friday morning next at ten o'clock.

(H. 70.) Mr. NICHOLSON for the General Committee to which was referred the bill entitled: An Act to incorporate the Vermont Homœopathic Society, reported the same and recommended its passage, and the bill was ordered to be read the third time to-morrow morning.

(H. 8.) Mr. NICHOLSON, for the same Committee, to which was referred the bill from the House entitled: An Act for the aid of Fire Departments, reported the same and recommended its passage.

On motion of Mr. CHITTENDEN, the bill was laid on the table and made the special order for Friday afternoon next at 2 o'clock.

(S. 40.) Mr. EVERTS, for the Committee on Finance to which was referred the bill entitled: An Act in amendment of Section 13 of the Compiled Statutes in relation to Fees of Sheriffs and Constables, reported the same, and with the opinion that it ought not to pass.

Whereupon, on motion of Mr. DAVIS, the bill was indefinitely postponed.

(S. 79.) Mr. SMITH, introduced a bill entitled: An Act

in relation to Highways, which was read twice and referred to the Committee on Printing.

(S. 80.) Mr. CLARKE, by request, introduced a bill entitled: An Act to incorporate the Windham County Distillery, which was read twice, and referred to the Committee on Manufactures.

(S. 37.) Mr. CHITTENDEN called up the bill entitled: An Act relating to proceedings upon Executions, and moved that the Secretary procure the printing of three hundred copies of said bill, as amended, for the use of the Senate.

Which motion was agreed to.

(H. 71.) Mr. WORTHINGTON, for the General Committee to which was referred House bill entitled: An Act to incorporate the Burlington Cornet Band, reported the same, and recommended its passage, and the bill was ordered to be read the third time to-morrow morning.

(S. 76.) Mr. NICHOLSON, for the same Committee to which was referred the bill entitled: An Act in addition to an Act approved November 14, 1855, entitled: An Act in addition to an Act passed Nov. 3, 1849, entitled: An Act to incorporate the Village of Bennington, reported the same without amendment, and recommended its passage.

Ordered, That said bill be engrossed and read the third time to-morrow morning.

(S. 79.) Mr. HATCH, for the Committee on Printing to which was referred the bill entitled: An Act in relation to Highways, reported the same and recommended that three hundred copies be printed for the use of the Senate—said bill was laid on the table and three hundred copies ordered to be printed.

On motion of Mr. RUMSEY,

The Senate Adjourned.

WEDNESDAY MORNING, NOVEMBER 10.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

(S. 81.) Mr. EVERTS introduced a bill entitled : An Act relating to Slavery and involuntary servitude in this State, which was read twice and referred to the Committee on Printing.

(S. 82.) Mr. WILDER introduced a bill entitled : An Act for the erection of Watering Troughs, on the Public Highways, which was read twice and referred to the Committee on Printing.

(S. 73.) The bill entitled : An Act in addition to and in amendment of an Act entitled an Act to incorporate the Vermont and Canada Rail Road Company approved October 31, 1845, being the special order for this time, was taken up, and on motion of Mr. Chittenden again laid on the table and made the special order for to-morrow morning at 10 o'clock.

Engrossed bills of the following titles, were severally read the third time and passed.

(S. 75.) An Act incorporating the Windham Manufacturing Company.

(S. 33.) An Act making an additional appropriation for a Statue of Ethan Allen.

(S. 76.) An Act in addition to an Act approved November 14, 1855, entitled : An Act in addition to an Act passed November 3, 1849, entitled : An Act to incorporate the Village of Bennington.

(S. 70.) An Act to incorporate the Pittsford Marble Company.

Also House bill entitled :

(H. 156.) An Act to incorporate the Fletcher Cemetery Association.

(H. 120.) House bill entitled : An Act to protect Shade

and Ornamental Trees in the Highways, was read the third time.

Mr. CHITTENDEN moved that the Senate propose to the House to amend the bill by inserting after the word "*Highway*" in the third line of the first section the words, "*or Public Park or Common.*" Also, by inserting after the word "*runs*" in the ninth line of the first section, the words, "*or by the Selectmen of the town in which such Park or Common is situated.*"

Which motion was agreed to, and the bill was thereupon passed in concurrence with proposal of amendment.

(H. 70.) House bill entitled: An Act to incorporate the Vermont Homœopathic Society, was read the third time, and on motion of Mr. CHITTENDEN, was laid on the table.

(H. 71.) House bill entitled: An Act to incorporate the Burlington Cornet Band, was read the third time, and on motion of Mr. EVERTS, laid on the table.

(S. 22.) Mr. SMITH, for the Committee on Banks, to which was referred the bill entitled: An Act relating to Stocks in Corporations without this State, reported the same without amendment, and recommended its passage. and the bill was ordered to be engrossed and read the third time to-morrow morning.

(S. 81.) Mr. HATCH, for the Committee on Printing, to which were referred bills entitled:

(S. 81.) An Act relating to Slavery and Involuntary Servitude in this State, and (S. 82.) An Act for the erection of Watering Troughs on the Public Highways, reported the same and recommended that three hundred copies of each be printed for the use of the Senate.

Said bills were laid on the table and three hundred copies of each ordered to be printed.

On motion of Mr. CHITTENDEN,

The Senate Adjourned.

AFTERNOON.

Mr. PUTNAM, for the Committee on bills submitted the following Report :

To the Hon. Senate now in Session :

The Committee on bills respectfully report that they have this day examined and submitted to the Governor for his approval and signature a bill originating in the Senate, of the following title, to wit :

Senate bill No. 28, entitled : An Act altering the name of Thomas Harris Giddings.

E. D. PUTNAM, For Committee.

In Senate, November 10, 1858.

Mr. BARTHOLOMEW, for the Committee to which was referred that portion of the Governor's Message relating to the State Prison, made report thereon by bill entitled : (S. 83.) An Act to provide for reconstructing the Cells of the State Prison, and making repairs.

Which was read twice and referred to the Committee on Printing.

Mr. RAYMOND, for the Committee on bills submitted the following Report :

To the Senate now in Session :

The Committee on bills report that they examined and submitted to the Governor for his approval and signature on the fifth day of November inst. a bill originating in the Senate, of the following title, viz :

Senate bill 72. An Act to extend the provisions of the Act incorporating the Vermont and Canada Rail Road Company approved Oct. 31, 1845.

CHAS. S. RAYMOND, For Committee.

(H. 93.) Mr. HARRIS, for the Committee on Manufactures, to which was referred House bill entitled: An Act relating to the Manufacture of Shingles in this State, reported the same, and recommended its passage.

The third reading of said bill was refused.

(H. 101.) Mr. NICHOLSON, for the General Committee to which was referred House bill entitled: An Act to incorporate the Ascutney Mutual Fire Insurance Company, reported the same and recommended its passage.

On motion of Mr. FRENCH, of Windsor, said bill was laid on the table and made the special order for to-morrow morning at eleven o'clock.

(H. 110.) Mr. CLARKE, for the Committee on Education to which was referred the bill entitled: An Act relating to Common Schools, reported the same, with certain proposals of amendment, and with the opinion that said bill, if amended as proposed ought to pass.

Mr. CLARKE moved that the bill and proposed amendment be laid on the table and made the special order for Saturday morning next at 10 o'clock, which motion was agreed to.

Mr. NICHOLSON, presented the petition of Frederick Button, John L. Marsh, and thirty-four others, praying for Legislation to prevent any person within this State, claimed as a Slave from being taken out of the State by any person claiming him as a Slave, which was read and on motion of Mr. STARK, referred to the General Committee, with instructions to report by bill or otherwise.

(S. 84.) Mr. GLEED, introduced a bill entitled: An Act in amendment of Chapter 22, of the Compiled Statutes, entitled: "Laying out and discontinuing Highways," which was read twice and referred to the Committee on Printing.

(S. 85.) Mr. NICHOLSON, introduced a bill entitled: An Act relating to process in Criminal Cases, which was read twice and referred to the Committee on Printing.

(S. 83.) Mr. HATCH, for the Committee on Printing, to which was referred the bill entitled: An Act to provide for reconstructing the Cells of the State Prison and making re-

pairs, reported adverse to the printing thereof, and the bill was, on motion of Mr. CHITTENDEN, laid on the table.

(S. 11.) The bill entitled: An Act relating to Fugitives from service, being the special order for two o'clock this afternoon, was taken up—the question being on the adoption of the amendment proposed by Mr. WILSON, and heretofore spread upon the Journal—said amendment was rejected.

Mr. FRENCH of Essex, moved the following amendment:

“Sec. —. It is hereby further enacted that all Acts and parts of Acts of the Congress of the United States, in any way inconsistent with the provision of this Act, are hereby repealed.”

Which amendment was rejected.

And the question being—Shall the bill be engrossed and read the third time?

On motion of Mr. CLARKE, the bill was laid on the table and made the special order for Saturday next at 2 o'clock P.M.

Mr. CLARKE, offered the following Resolution which was read and adopted:

Resolved, That the Committee on Banks be instructed to enquire and report to the Senate by bill or otherwise, upon the following subjects, to wit:

1. If the Bank Commissioner now has, and if not, whether said officer ought to have power to examine and report upon the state and condition of all Banks, whose Charters have expired, but whose affairs are not fully settled and closed up?

2. Whether the bonds of Bank Directors should not be required to be given and filed annually, where the same person continues to be a director for more than one year?

3. Whether it ought not to be made the duty of the Bank Commissioner in his Annual Examination of Banks to ascertain whether the Officers of any of the Banks of discount, have any, and what connection with the Savings Banks, and Trustees of the Savings Banks, with discount Banks, and whether there is any inspection of the books, papers, or business of either by the other?

4. Whether the Treasurer of the State ought to provide and

keep a suitable book for the record of all Certificates of Certified Bank Capital, and whether his duly Certified Copy of such record should be made evidence of that fact?

5. What, if anything, is necessary to be done in relative to Banks, if any there be in respect to which, there may be no evidence of having their Capital Stock certified as the law provides?

6. Whether the Bank Commissioner ought not to be empowered to destroy the bills of closed Banks?

7. Whether the Bank Commissioner ought to be authorized to settle up the Newell Estate, and to settle with the Bank of Newbury?

8. And enquire in regard to the right policy and law of, and for the redemption of bills in the City of New York?

(S. 86.) Mr. TUTTLE introduced a bill entitled: An Act to provide for Perpetuating Testimony in Criminal Cases, and in addition to Chapter 34 of the Compiled Statutes, which was read twice and referred to the Committee on Printing.

On motion of Mr. FRENCH of Windsor.

The Senate adjourned.

THURSDAY MORNING, NOVEMBER 11.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

A message was received from the House by Mr. WILLIAMS, their Assistant Clerk, as follows:

Mr. PRESIDENT:

The Governor announced to the House, that he has approved and signed bills originating in the House, of the following titles:

(H. 63.) An Act to incorporate the Rockingham Lumber Company.

(H. 66.) An Act relating to Depositions.

(H. 68.) An Act to incorporate the Connecticut Valley Fair Ground Company.

(H. 73.) An Act incorporating the Vermont Insurance Company.

(H. 75.) An Act to incorporate the Eagle Manufacturing Company.

(H. 76.) An Act to provide for the appointment of a Curator to take charge of the Cabinet of Natural History.

The House have passed bills of the following titles :

(H. 40.) An Act entitled : An Act for the Enlargement of Burial Grounds.

(H. 90.) An Act to incorporate the Female Collegiate Institute at Springfield.

(H. 112.) An Act to incorporate the Village of Bradford.

In the passage of which bills I am directed to request the concurrence of the Senate.

The House have passed in concurrence with the Senate, a bill of the following title :

(S. 39.) An Act to pay Jasper Vial the sum therein mentioned.

The House have considered the amendments proposed by the Senate to House bill entitled :

(H. 120.) An Act to protect Shade and Ornamental Trees in the Highways.

And have resolved to concur therein.

The House do not concur with the Senate, in the passage of Senate bills entitled :

(S. 2.) An Act relating to Justices of the Peace.

(S. 3.) An Act relating to Travel of Witnesses.

The Speaker has appointed as Committee on the part of the House, to act under the Joint Resolution relative to the final adjournment of General Assembly :

Messrs. BILLINGS, of Mount Holly,

LINSLEY, of Rutland,

NEEDHAM, of Hartford

(S. 85.) Mr. CHADWICK, for the Committee on Printing, to which was referred the bill entitled: An Act relating to process in Civil Cases, reported adverse to the printing thereof, and the same was referred to the Committee on the Judiciary.

Mr. CLARKE, presented the Petition of J. P. Prouty, and 20 others, also the petition of Addison Brown and 4 others, upon the subject of Slavery, which were severally referred to the General Committee.

(S. 84.) Mr. HATCH, for the Committee on Printing to which was referred the bill entitled: An Act in amendment of Chapter Twenty-Two of the Compiled Statutes, entitled Laying out and discontinuing Highways, reported adverse to the printing thereof, and the same was referred to the Committee on Roads.

(H. 133.) Mr. WEAD, for the Committee on Education, to which was referred the bill entitled: An Act relating to Historical Collections and Publications, reported the same without amendment and recommended its passage.

Said bill was read the third time and passed.

(S. 87.) Mr. STARK, introduced a bill entitled: An Act in amendment of an Act incorporating the New England Pottery Company, which was read twice and referred to the Committee on Manufactures.

(H. 74.) House bill entitled: An Act to incorporate the Connecticut River Mutual Fire Insurance Company, being the special order for yesterday afternoon at 1 1-2 o'clock, was taken up, read the third time, and on motion of Mr. CHITTENDEN said bill was laid on the table.

(S. 1.) The bill entitled: An Act repealing an Act relating to Savings Banks, approved November 10, 1857, was taken up, and the amendment heretofore proposed by the Committee on Banks, was adopted.

On motion of Mr. CLARKE the bill was laid on the table, and made the special order for to-morrow morning at eleven o'clock.

(S. 73.) The bill entitled: An Act in addition to, and in amendment of An Act entitled: An Act to incorporate the

Vermont and Canada Rail Road Company, approved October 31, 1845, was taken up, and on motion of Mr. WILDER was again laid on the table, and made the special order for to-morrow morning at 10, o'clock.

(S. 9.) Mr. SMITH, for the Committee on Banks to which was referred the bill entitled : An Act relating to Banks, reported the same, and with the opinion that the bill ought not to pass.

On motion of Mr. BARTHOLOMEW said bill was laid on the table.

(S. 83.) Mr. CHITTENDEN, called up the bill entitled : An Act to provide for reconstructing the Cells of the State Prison, and making repairs—and the same was

Ordered, To be read the third time to-morrow morning.

(H. 101) House bill entitled : An Act to incorporate the Ascutney Mutual Fire Insurance Company, being the special order for this time was taken up, and the third reading thereof was refused.

Bills from the House of the following titles were severally read twice and referred to Committees, viz.

(H. 40.) An Act entitled : An Act for the Enlargement of Burial Grounds—to the General Committee.

(H. 90.) An Act to incorporate the Female Collegiate Institute at Springfield—to the Committee on Education.

(H. 112.) An Act to incorporate the Village of Bradford—to the General Committee.

Bills of the following titles were severally taken up and referred, to wit :

(S. 77.) An Act in amendment of An Act approved December 6, 1853, entitled : An Act to amend an Act to prevent the Traffic in Intoxicating Liquors for the purpose of Drinking, approved November 23, 1852—to the Committee on the Judiciary.

(S. 79.) An Act relating to Highways—to the Committee on Roads.

(S. 81.) An Act relating to Slavery and Involuntary Servitude in this State—to the General Committee.

(S. 82.) An Act for the erection of Watering Troughs on the Public Highways—to the Committee on Roads.

(S. 22.) The engrossed bill entitled : An Act relating to Stocks in Corporations, without this State, was read the third time and passed.

(H. 70.) House bill entitled : An Act to incorporate the Vermont Homœopathic Society, was taken up for consideration.

Mr. CHITTENDEN moved that the Senate propose to the House to amend the bill by inserting after the Latin formula, the words ("*or like cures like.*")

Which motion was disagreed to, and the bill was thereupon read the third time and passed.

(H. 71.) House bill entitled : An Act to incorporate the Burlington Cornet Band, was taken up for consideration.

Mr. FRENCH, of Windsor, moved that the Senate propose to the House to amend the bill by striking out the words "and entertainment" in the first Section.

Which motion was disagreed to, and the bill was thereupon passed.

(S. 86.) Mr. POLAND for the Committee on Printing to which was referred the bill entitled : An Act to provide for Perpetuating Testimony in Criminal Cases, and in addition to Chapter 34 of the Compiled Statutes, reported adverse to the printing thereof, and the bill was referred to the Committee on the Judiciary.

On motion of Mr. CLARKE,

The Senate Adjourned.

AFTERNOON.

A message was recieved from the Governor, by Mr. DAVIS, Secretary of Civil and Military Affairs, as follows :

Mr. PRESIDENT :

I am directed by the Governor to inform the Senate, that he has approved and signed a bill originating in the Senate, of the following title, viz :

(S. 28.) An Act altering the name of Thomas Harris Giddings.

(S. 84.) Mr. DAVIS, for the Committee on Roads, to which was referred the bill entitled : An Act in amendment of Chapter 22 of the Compiled Statutes, entitled : Laying out and discontinuing Highways, reported the same without amendment, and recommended its passage.

Ordered, That said bill be engrossed and read the third time to-morrow morning.

(S. 79.) Mr. DAVIS, for the same Committee to which was referred the bill entitled : An Act in relation to Highways, reported the same without amendment, and recommended its passage.

Ordered, That the bill be engrossed and read the third time to-morrow morning.

(S. 23.) Mr. WILSON, for the Committee on Claims to which was recommitted the bill entitled : An Act to pay Lorenzo Janes, the sum therein named, reported the same without amendment and recommended its passage, and the bill was read the third time and passed.

Mr. NICHOLSON, for the General Committee, to which

was referred the Petition of Frederick Button, John L. Marsh, and others, submitted the following report :

To the Senate now in Session :

The General Committee to which was referred the several Petitions of Frederick Button, John L. Marsh, and thirty-four others, of J. S. Prouty, and twenty others, and Addison Brown, and four others, praying for Legislation "to secure all persons within this State against the liability of being formerly taken out of this State upon the claim that such person is or has been a Slave," respectfully report that the prayer of the Petitioners ought to be granted.

D. E. NICHOLSON, For Committee.

The Senate accepted the report of said Committee and the said petitions were laid on the table.

(S. 61.) Mr. WILSON, for the Committee on Claims, to which was referred the bill entitled : An Act to pay Horace Evans the sum therein mentioned, reported the same, and with the opinion that said bill ought not to pass.

Mr. DAVIS moved to amend the bill by striking out the words, one hundred and fifty dollars, and inserting in lieu thereof the words "seventy-five dollars," in Sec. 1, thereof.

Which motion was agreed to, and the bill was *ordered* to be engrossed and read the third time.

Mr. CHITTENDEN, for the Committee on the Judiciary, to which was referred the following Resolution, viz :

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of so changing the Law, that on application to the Probate Court for the removal of guardian, no commission to Justices should be necessary and that said Committee be instructed to report by bill or otherwise," reported that in their opinion no further Legislation is necessary upon the subject matter of said Resolution.

The Senate accepted said report and the Committee were discharged from further consideration of the subject.

(H. 140.) Mr. CHITTENDEN for the Committee on Judiciary to which was referred the bill from the House entitled :

An Act relating to Mechanic's Lien, reported the same, and recommended its passage.

Said bill was thereupon read the third time and passed.

(H. 112.) Mr. WORTHINGTON for the General Committee to which was referred the bill entitled : An Act to incorporate the Village of Bradford, reported the same, and with the opinion that the bill ought to pass.

On motion of Mr. CHITTENDEN, the bill was laid on the table.

(S. 67.) Mr. FRENCH of Essex, for the Committee on Claims to which was referred the bill entitled : An Act to pay Chandler Pratt, the sum therein mentioned, reported the same with a proposition of amendment, to strike out the words "fifty dollars and seventy cents" and insert in lieu thereof, the words "forty-three dollars and thirty-one cents" in section one, and with the opinion that, if so amended, the bill ought to pass.

The Senate adopted the amendment proposed by the Committee, and the bill was ordered to be engrossed and read the third time.

(S. 35.) Mr. MASON for the Committee on Claims, to which was referred the bill entitled : An Act to pay Jacob Edgerton the sum therein mentioned, reported the same without amendment and recommended its passage.

On motion of Mr. EVERTS, the bill was laid on the table.

(S. 88.) Mr. CLARKE introduced a bill entitled : An Act to incorporate the Vermont Soap-Stone Company, which was read twice and referred to the Committee on Manufactures.

(S. 30.) Mr. WILSON for the Committee on Claims, to which was referred the bill entitled : An Act to pay J. C. Brown, the sum therein mentioned, reported the same, and with the opinion that said bill ought not to pass.

On motion of Mr. POLAND,

Ordered, That said bill be laid on the table.

(S. 62.) Mr. STARK, for the Committee on the Judiciary, to which was referred the bill entitled : An Act in amendment

of an Act in relation to Trustee Process, reported the same, and with the opinion that said bill ought not to pass.

Whereupon the engrossment and third reading of said bill was refused.

(H. 149.) Mr. FRENCH, of Windsor, for the Committee on the Judiciary, to which was referred House bill entitled: An Act in alteration of Section 32 of Chapter 15, of the Compiled Statutes, reported the same with certain proposal of amendment, and with the opinion, that the bill if amendment as proposed, ought to pass.

The Senate adopted the proposed amendment, and the bill was passed in concurrence, with proposal of amendment.

A message was received from the House by Mr. BIGELOW, Assistant Clerk, as follows :

Mr. PRESIDENT :

The House have passed a bill of the following title :

(H. 155.) An Act in addition to "An Act relating to the Registry and Returns of Births, Marriages and Deaths," approved November 17, 1856, and an Act in amendment thereof, approved October 30, 1857.

In the passage of which I am directed to request the concurrence of the Senate.

The House have passed in concurrence with the Senate, bills of the following titles :

(S. 29.) An Act relating to Prosecutions for Bigamy.

(S. 34.) An Act in relation to the attachment of Reversionary Interest in Personal Property.

The Governor has announced to the House that he has approved and signed bills originating in the House, of the following titles :

(H. 62.) An Act to pay James A. Pollard the sum therein mentioned.

(H. 79.) An Act relating to the Replevin of Intoxicating Liquor.

(H. 37.) An Act to pay J. H. Hastings the sum therein mentioned.

(H. 128.) An Act to incorporate the Windsor County Breeders Association.

(H. 137.) An Act for the preservation of Fish in Franklin Pond, in the Town of Franklin.

(S. 7.) Mr. FRENCH, of Windsor, for the Committee on the Judiciary to which was recommitted the bill entitled: An Act in relation to Depositions, reported the same, with the following proposal of amendment thereto, to wit:

Strike out from Section 1, the words in lines 6, 7 and 8, "at least 30 days, when the deponent resides without this State, and" also, the words in the 8 and 9 line, "when the deponent resides within this State," also, add

"Section 2. All Depositions taken to be used in any cause, when the adverse party did attend the taking of the same, shall be used upon the trial of such cause, by the party taking the same, or, upon reasonable request, by the adverse party or his Attorney, shall be directed to such adverse party or his Attorney, who may read the same as evidence in such cause.

Mr. GLEED moved to amend the amendment of the Committee, by striking out the words, "at least thirty days, when the deponent resides without this State, and," and insert in lieu thereof, the words, "and at least ten days."

And on motion of Mr. GLEED, the bill and proposed amendments were laid on the table.

(S. 27.) The bill entitled: An Act in amendment of Chapter 116 of the Compiled Statutes, entitled: "Salaries and Fees," being the special order for two o'clock this afternoon, was taken up, and the question being—Shall the amendment proposed by the Committee on Finance, (to strike out "two thousand dollars and insert eighteen hundred dollars,") from Section 1, be adopted?

It was decided in the negative: } Yeas, 6,
 } Nays, 21.

The Yeas and Nays being demanded by Mr. CHITTENDEN, were taken and are as follows:

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, EVERTS, HARRIS, NICHOLSON, PUTNAM, and WILDER.—6.

FRIDAY MORNING NOVEMBER, 12.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

(S. 27.) The engrossed bills entitled: An Act in amendment of Chapter one hundred and sixteen of the Compiled Statutes, entitled "Salaries and Fees," and (S. 84.) An Act in amendment of Chapter twenty-two of the Compiled Statutes, entitled: "Laying out and discountinuing Highways and Bridges," were severally read the third time, and passed.

(S. 67.) The engrossed bill entitled: An Act to pay Chandler Pratt, the sum therein mentioned, was read the third time, and on motion of Mr. BUTLER,

Ordered, That the bill be laid on the table.

(S. 79.) The engrossed bill entitled: An Act in relation to Highways, was read the third time, and on motion of Mr. CHITTENDEN,

Ordered, That the bill be laid on the table.

Mr. CHITTENDEN offered the following Resolution, which was read :

Resolved, That when the Senate adjourn this afternoon, it adjourn to meet at 7 o'clock this evening.

Ordered, That the Resolution be laid on the table.

Engrossed bills of the following titles were severally read the third time and passed.

(S. 38.) An Act relating to the Homestead.

(S. 83.) An Act to provide for reconstructing the Cells of the State Prison, and making repairs.

(S. 61.) An Act to pay Horace Evans the sum therein mentioned.

(H. 155.) House bill entitled: An Act in addition to an Act relating to the registry and returns of Births, Marriages and Deaths, approved November 17, 1856, and an Act in amendment thereof, approved October 13, 1857, was read twice and referred to the Committee on the Judiciary.

Mr. RAYMOND, for the Committee on bills, reported that said Committee on the 11 day of November inst. submitted to the Governor for his approval and signature, bills originating in the Senate of the following titles:

(S. 29.) An Act relating to Prosecutions for Bigamy.

(S. 34.) An Act in relation to Attachment of Reversionary Interest in Personal Property.

(S. 39.) An Act to pay Jasper Vial, the sum therein mentioned.

(S. 37.) The bill entitled : An Act relating to proceedings upon Execution, being the special order for 10 o'clock this morning, was taken up, and on motion of Mr. CLARKE, was laid on the table and made the special order for this afternoon at 2 1-2 o'clock.

(S. 1.) The bill entitled : An Act repealing an Act relating to Savings Banks, approved Nov. 10, 1857, was taken up, and on motion of Mr. CHITTENDEN, again ordered to lie and made the special order for this afternoon at 3 o'clock.

(S. 73.) The bill entitled : An Act in addition to, and in amendment of an Act entitled an Act to incorporate the Vermont and Canada Rail Road Company, approved October 31, 1845, being the special order for ten o'clock this morning, was taken up, the question being on the substitution of new bill as reported by the Committee on Roads, pending the discussion of which.

On motion of Mr. WILDER,

The Senate Adjourned.

AFTERNOON.

(S. 87.) Mr. HARRIS, for the Committee on Manufactures, to which was referred the bill entitled: An Act in amendment of an Act incorporating the New England Pottery Company, reported the same without amendment, and recommended its passage.

Ordered, That the bill be engrossed and read the third time.

A message was received from the House by Mr. WILLIAMS, their Assistant Clerk, as follows :

Mr. PRESIDENT :

The House have adopted a Joint Resolution directing the Secretary of the Board of Education to print his Annual Report for distribution.

In the adoption of which I am directed to request the concurrence of the Senate.

(S. 73.) The bill entitled: An Act in addition to, and in amendment of an Act entitled an Act to incorporate the Vermont and Canada Rail Road Company, approved October 31, 1845, was taken up, the question being, on the adoption of the substitute bill as reported by the Committee on Roads. Pending the discussion of which

On motion of Mr. CHITTENDEN,

The Senate Adjourned

SATURDAY MORNING, NOVEMBER 13.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

A message was received from the House, by Mr. BIGELOW, their Assistant Clerk, as follows :

Mr. PRESIDENT :

The House have passed bills of the following titles :

(H. 154.) An Act relating to the Reports of the Supreme Court.

(H. 162.) An Act for the relief of Frazier Jenne.

(H. 217.) An Act entitled : An Act relative to the Election of Town Officers.

In the passage of which I am directed to request the concurrence of the Senate.

The House have considered the amendments proposed by the Senate to House bill entitled :

(H. 149.) An Act in alteration of Section thirty-two of Chapter fifteen of the Compiled Statutes, and have resolved to concur therein.

The House have passed in concurrence with the Senate, bills of the following titles :

(S. 50.) An Act to promote improvement in the Breeds of Cattle.

(S. 63.) An Act in addition to the Act incorporating the Village of Rutland.

The House have passed in concurrence with the Senate, with certain proposals of amendment, a bill of the following title :

(S. 5.) An Act for the relief of Married Woman.

In the adoption of which amendment I am directed to request the concurrence of the Senate.

(S. 16.) The House have considered the bill entitled : An Act in relation to Protests of Bills of Exchange, Drafts,

Checks and Promissory Notes. And have refused to concur therein.

A message was received from the Governor, by Mr. DAVIS, Secretary of Civil and Military Affairs :

Mr. PRESIDENT :

I am directed by the Governor to inform the Senate, that he has approved and signed bills originating in Senate of the following titles, viz :

(S. 29.) An Act relating to the Prosecutions for Bigamy.

(H. 34.) An Act in relation to the attachment of Reversionary Interest in Personal Property.

(S. 39) An Act to pay Jasper Vial the sum therein named.

(S. 89.) Mr. STARK introduced a bill entitled : An Act Exempting Musical Instruments from attachment and levy on Execution, which was read twice and referred to the Committee on Printing.

Resolution from the House was read, as follows :

Resolved, By the Senate and House of Representatives, That the Secretary of the Board of Education be directed to procure the printing of a sufficient number of his Annual Report to furnish one copy to each Town Superintendent, one copy to each town Clerk, and one copy to each District Clerk in this State ; and that the Secretary of State be directed to cause the distribution of the said reports to be made under the provisions and in the same manner that the laws of the State are annually distributed.

On motion of Mr. EVERTS,

Ordered, That said Resolution be laid on the table.

(S. 87.) The Engrossed bill entitled : An Act in amendment of an Act incorporating the New England Pottery Company, was read the third time and passed.

(H. 154.) House bill entitled : An Act relating to the Reports of the Supreme Court, was read twice and referred to the Committee on Finance.

(H. 162.) House bill entitled : An Act for the relief of Frazier Jenne, was read twice and referred to the Committee on Claims.

(H. 217.) House bill entitled: An Act entitled An Act relative to the election of Town Officers, was read twice and referred to the Committee on the Judiciary.

(S. 5.) The Senate proceeded to consider the amendment proposed by the House to the bill entitled: An Act for the relief of Married Women—and resolved to concur therein.

(S. 90.) Mr. FRENCH, of Windsor, introduced a bill entitled: An Act altering the times of holding County Courts, in the County of Windsor, which was read twice and referred, on motion of Mr. CHITTENDEN, to a Select Committee composed of the Senators from Windsor County.

(S. 91.) Mr. DAVIS introduced a bill entitled: An Act in relation to Trustees, which was read twice and referred to the Committee on Printing.

(S. 92.) Mr. FRENCH, of Windsor, introduced a bill entitled: An Act in relation to Costs in Criminal Cases, which was read twice and referred to the Committee on Printing.

(S. 73.) The bill entitled: An Act in addition to, and in amendment of an Act entitled an Act to incorporate the Vermont and Canada Rail Road Company, approved October 31, 1845, was taken up for consideration, and the substituted bill recommitted by the Committee on Roads was thereupon adopted.

Mr. GLEED, moved to amend the bill by striking out the words in the first Section, 20th and 21st lines, "to some point west of the Town House in the Town of Colchester." Pending the discussion of which

On motion of Mr. WILDER,

The Senate Adjourned.

AFTERNOON.

(H. 162.) Mr. WILSON, for the Committee on Claims, to which was referred House bill entitled: An Act for the relief of Frazer Jenne, reported the same, and recommended its passage.

Ordered, That said bill be read the third time on Monday morning next.

(S. 89. S. 91. S. 92.) Mr. HATCH, for the Committee on Printing, to which were referred the bills entitled: (S. 89.) An Act exempting Musical Instruments from Attachment and Levy on Execution. (S. 91.) An Act in relation to Trustees. (S. 92.) An Act in relation to Costs in Criminal Cases, reported adverse to the printing of said bills, and they were severally referred, as follows:

(S. 89.) To the Committee on Finance.

(S. 91.) To the Committee on the Judiciary.

(S. 92.) To the Committee on the Judiciary.

(S. 88.) Mr. HARRIS for the Committee on Manufactures, to which was referred the bill entitled: An Act to incorporate the Vermont Soap-Stone Company, reported the same without amendment, and recommended its passage.

Ordered, that said bill be engrossed and read the third time.

(S. 93.) Mr. BUTLER, introduced a bill entitled: An Act in relation to the provisions of the Act incorporating the Vermont and Canada Rail Road Company, which was read twice, and referred to the Committee on Roads.

Said Committee immediately reported the bill to the Senate, without amendment, and recommended its passage.

Mr. CHITTENDEN, moved to strike out in the 13th line of Section 1, also in line 12 of the *proviso* of said Section, the words, "twentieth day of November A. D. 1858," and insert "*Eighteenth day of November A. D. 1858.*"

Which motion was agreed to, and on motion of Mr. CHITTENDEN the Rules were suspended and the bill read the third time and passed.

A message was received from the House by Mr. WILLIAMS, their Assistant Clerk :

Mr. PRESIDENT :

The Governor has announced to the House that he has approved and signed bills originating in the House of the following titles :

(H. 70.) An Act to incorporate the Vermont Homœopathic Medical Society.

(H. 71.) An Act to incorporate the Burlington Cornet Band.

(H. 120.) An Act to protect Shade and Ornamental Trees in the Highway.

(H. 133.) An Act relating to Historical Collections and Publications.

(H. 140.) An Act relating to Mechanics Lien.

(H. 156.) An Act to incorporate the Fletcher Cemetery Association.

The House have passed bills of the following titles :

(H. 135.) An Act to pay William Houghton the sum therein mentioned.

(H. 138.) An Act to incorporate the Canaan Acqueduct Company.

(H. 174.) An Act to incorporate the Quechee Hotel Company.

(H. 185.) An Act to pay Sabin P. Morse the sum therein mentioned.

(H. 193.) An Act in amendment of an Act incorporating the Vermont Asylum for the Insane.

(H. 210.) An Act to pay Lovel Leach the sum therein mentioned.

In the passage of which bills I am directed to request the concurrence of the Senate.

The House have passed in concurrence with the Senate, bills of the following titles :

(S. 70.) An Act to incorporate the Pittsford Marble Company.

(S. 71.) An Act incorporating the Union Paper Mill Company.

(S. 74.) An Act incorporating the Jamaica Cemetery Association.

(S. 75.) An Act incorporating the Windham Manufacturing Company.

The House have passed in concurrence with the Senate, a bill entitled :

(S. 76.) An Act in addition to an Act in amendment of an Act incorporating the Village of Bennington, with certain proposals of amendments.

In the adoption of which amendments I am directed to request the concurrence of the Senate.

And he then withdrew.

Mr. CUMMINGS, the Clerk of the House of Representatives, appeared on the floor of the Senate, with a message :

Mr. PRESIDENT :

The House have passed a bill entitled :

(H. 237.) An Act in amendment of an Act entitled : An Act to extend the provisions of the Act incorporating the Vermont and Canada Rail Road Company, approved October 31, 1845, approved November 5, 1858.

In the passage of which I am directed to request the concurrence of the Senate.

Mr. RAYMOND for the Committee on bills submitted the following report :

To the Hon. Senate now in Session :

The Committee on Bills report that they have this day examined and submitted to the Governor for his approval and signature a bill originating in the Senate of the following title, viz :

Senate bill 93. An Act in relation to the Act incorporating the Vermont and Canada Rail Road Company.

CHAS. S. RAYMOND, for Committee.

A message was received from the House by Mr. CUMMINGS, their Clerk, as follows :

Mr. PRESIDENT :

The House have passed in concurrence with the Senate, the bill entitled :

(S. 93.) An Act in relation to the Act incorporating the Vermont and Canada Rail Road Company.

And he then withdrew.

A message was received from the Governor by Mr. DAVIS, Secretary of Civil and Military Affairs, as follows :

Mr. PRESIDENT :

I am directed by the Governor to inform the Senate that he has this day approved and signed a bill originating in the Senate of the following title, viz :

(S. 93.) An Act in relation to the Act incorporating the Vermont and Canada Railroad Company.

(S. 73.) The bill entitled : An Act in addition to, and in amendment of an Act entitled at Act to incorporate the Vermont and Canada Rail Road Company, approved October 31, 1845, was taken up, the question being on the amendment proposed by Mr. GLEED, and spread upon the Journal of this morning—pending the consideration of which.

On motion of Mr. WILDER,

The Senate Adjourned.

MONDAY MORNING, NOVEMBER 15.

Prayer by the Chaplain.

On motion of Mr. NICHOLSON, the reading of the Journal was dispensed with.

A message was received from the Governor by Mr. DAVIS, Secretary of Civil and Military Affairs:

Mr. PRESIDENT:

I am directed by the Governor to transmit to the Senate a communication in writing, with an accompanying document.

Said communication was read, as follows:

HON. BURNHAM MARTIN,

PRESIDENT OF THE SENATE.

Sir: I have the honor to transmit to the Senate, for the use of the General Assembly, the Ninth Annual Report of the National Life Insurance Company, showing its condition.

October 31, 1858.

HILAND HALL

EXECUTIVE CHAMBER, }
Nov. 13, 1858. }

The Report* of the National Life Insurance Company in said communication named, was referred to the Committee under the 4th Joint Rule.

(H. 162.) House bill entitled: An Act for the relief of Frazer Jenne, was read the third time and passed.

(S. 88.) The engrossed bill entitled: An Act to incorporate the Vermont Soap-Stone Company, was read the third time and passed.

House bills were severally read twice and referred as follows:

(H. 138.) An Act to incorporate the Canaan Aqueduct Company—to the Committee on Manufactures.

*See Appendix.

(H. 185.) An Act to pay Sabin P. Morse, the sum therein named—to the Committee on Claims.

(H. 174.) An Act to incorporate the Quechee Hotel Company—to the General Committee.

(H. 210.) An Act to pay Lovell Leach, the sum therein mentioned—to the Committee on Claims.

(H. 135.) An Act to pay William Houghton, the sum therein mentioned—to the Committee on Claims.

(H. 193.) House bill entitled : An Act in amendment of An Act incorporating the Vermont Asylum for the Insane—to the Committee on Land Taxes.

(S. 76.) The Senate proceeded to consider the amendments proposed by the House to the bill entitled : An Act in addition to an Act approved November 14, 1855, entitled : An Act in addition to an Act passed November 3, A. D. 1849, entitled : An Act to incorporate the Village of Bennington, and have resolved to concur therein.

(S. 94.) Mr. MASON, introduced a bill entitled : An Act relating to Highway Surveyors and Street Commissioners, which was read twice and referred to the Committee on Printing.

(S. 86.) Mr. CHITTENDEN, for the Committee on the Judiciary, to which was referred the bill entitled : An Act to provide for perfecting testimony in Criminal Cases, and in addition to Chapter 34 of the Compiled Statutes, reported the same, with a proposal of amendment, and with the opinion that if amended as proposed, the bill ought to pass.

Said amendment was adopted.

Mr. FRENCH moved further to amend the bill by adding at the end of Section 3, the words "provided such testimony is taken at least ten days before the Session of the Court in which the same is offered as evidence."

Which motion was agreed to, and on motion of Mr. BUTLER, the bill was laid on the table, and three hundred copies ordered to be printed.

(S. 95.) Mr. TUTTLE introduced a bill entitled : An Act in addition to an Act entitled an Act authorizing the Selectmen of the several towns to establish Fire Districts in certain

cases, approved November 11, 1854, which was read twice, and referred to the Committee on Printing.

(S. 96.) Mr. GLEED, introduced a bill entitled : An Act in relation to actions of Ejectment, Trespass, and Trespass on the Case, was read twice, and referred to the Committee on Printing.

A message was received from the House by Mr. BIGELOW, Assistant Clerk, as follows :

Mr. PRESIDENT :

The House have passed bills of the following titles :

(H. 160.) An Act in alteration of an Act entitled : "An Act for the relief of the town of Wheelock," approved November 10, 1857.

(H. 220.) An Act in addition to an Act to incorporate the Vermont Historical and Antiquarian Society.

In the passage of which I am directed to request the concurrence of the Senate.

The House have passed in concurrence with the Senate, bills of the following titles with certain proposals of amendment.

(S. 56.) An Act to incorporate the Bennington Powder Company.

(S. 53.) An Act to incorporate the Jamaica Leather Company.

In the adoption of which amendments I am directed to request the concurrence of the Senate.

The House have passed in concurrence with the Senate, a bill of the following title :

(S. 60.) An Act for the relief of bail in Criminal Cases.

The House have adopted a Joint Resolution fixing a time for the election of Rail Road Commissioner.

In the adoption of which I am directed to request the concurrence of the Senate.

(S. 73.) The bill entitled : An Act in addition to, and in amendment of an Act entitled an Act to incorporate the Ver-

mont and Canada Rail Road Company, approved October 31, 1845, was taken up, and the question being—Shall the amendment heretofore proposed by Mr. GLEED, and spread upon the Journal of Saturday morning, be adopted?

It was decided in the negative: } Yeas, 7,
 } Nays, 17.

The Yeas and Nays being demanded by Mr. CHITTENDEN, were taken and are as follows:

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, CHADWICK, FRENCH, of Windsor, GLEED, POLAND, PUTNAM and RAYMOND.—7.

Those Senators who voted in the negative, are

Messrs BILLINGS, BUTLER, CHITTENDEN, CLARKE, DAVIS, EVERTS FRENCH, of Essex, HARRIS, HATCH, NASH, NICHOLSON, PHELPS, RUMSEY, STARK, TUTTLE, WILDER and WILSON.—17.

So said amendmend was rejected.

Mr. GLEED, moved to amend the bill by adding thereto, the following:

“Provided the whole cost of said line of road from Burlington to Milton, shall not exceed three hundred and fifty thousand dollars.”

And the question being—Shall said amendment be adopted?

It was decided in the negative: } Yeas 6,
 } Nays 15.

The Yeas and Nays being demanded by Mr. CHITTENDEN, were taken and are as follows:

Those Senators who voted in the affirmative, are

Messrs. FRENCH, of Windsor, GLEED, POLAND, PUTNAM, RAYMOND, and WORTHINGTON.—6.

Those Senators who voted in the negative, are

Messrs. BILLINGS, BUTLER, CHITTENDEN, CLARKE, DAVIS, EVERTS, FRENCH, of Essex, HARRIS, HATCH, NASH, NICHOLSON, PHELPS, RUMSEY, STARK, WILDER, and WILSON.—15.

So said amendment was rejected.

Mr. FRENCH, of Windsor, moved to amend by adding after word “void” in Section 1.

“Provided that the Rutland & Burlington Rail Road Company, shall repay to the Vermont & Canada Rail Road Company, within one year after the completion of said line of road from Burlington to Milton, all the expense of the construction of the same over and above the sum of three hundred and fifty thousand dollars ; and before the Vermont & Canada Rail Road Company shall be compelled to commence the construction of such line, said Rutland & Burlington Rail Road Company, shall execute to the Vermont & Canada Rail Road Company, good and sufficient bond with sureties to the satisfaction of the Judges of the Supreme Court.”

Pending the consideration of which.

On motion of Mr. CLARKE,

The Senate Adjourned.

AFTERNOON.

(H. 90.) Mr. NASH, for the Committee on Education, to which was referred House bill entitled : An Act to incorporate the Female Collegiate Institute at Springfield, reported the same, and recommended its passage.

Whereupon the bill was read the third time and passed.

Mr. HARRIS offered the following Resolution, which was read and adopted.

Resolved, That when the Senate adjourns, it adjourn to meet again at seven o'clock this evening.

(S. 81.) Mr. NICHOLSON, for the General Committee to which was referred the bill entitled : An Act relating to Slavery and Involuntary Servitude in this State, reported the same with a proposal of amendment, and with the opinion, that the bill, if amended as proposed, ought to pass.

On motion of Mr. CHITTENDEN, the bill with amendment was laid on the table.

(H. 210.) Mr. MASON, for the Committee on Claims, to which was referred House bill entitled : An Act to pay Lovel Leach, the sum therein mentioned, reported the same and recommended its passage.

Ordered, That said bill be read the third time to-morrow afternoon.

(H. 135.) Mr. MASON, for the same Committee, to which was referred House bill entitled : An Act to pay William Houghton the sum therein mentioned, reported the same, and recommended its passage.

Ordered, That the bill be read the third time to-morrow afternoon.

(H. 185.) Mr. WILSON, for the Committee on Claims to which was referred House bill entitled : An Act to pay Sabin P. Morse the sum therein named, reported the same and recommended its passage, and the bill was ordered to be read the third time to-morrow afternoon.

(S. 96.) Mr. HATCH, for the Committee on Printing to which was referred the bill entitled : An Act in relation to actions of Ejectment, Trespass, and Trespass on the Case, reported the same, and recommended that three hundred copies be printed, the bill was laid on the table and three hundred copies ordered to be printed.

(S. 95.) Mr. POLAND, for the same Committee, to which was referred the bill entitled : An Act in addition to an Act entitled an Act authorizing the Selectmen of the several towns to establish Fire Districts in certain cases, approved November 11, 1854, reported adverse to the printing thereof, and the bill was referred to the General Committee.

(S. 20.) Mr. FRENCH, of Windsor, for the Committee on the Judiciary, to which was referred the bill entitled : An Act relating to proceedings in Suits at Law, reported the same and with the opinion that it ought not to pass.

On motion of Mr. WILSON,

Ordered, That the bill be laid on the table and made the special order for Friday next at 2 1-2 o'clock P.M.

(S. 57.) Mr. FRENCH, of Windsor, for the Committee on the Judiciary to which was referred the bill entitled: An Act regulating the liability of Village Corporations in the making of Contracts, reported the same, and with the opinion that said bill ought not to pass.

Whereupon the engrossment and third reading of said bill was refused.

(H. 174.) Mr. WORTHINGTON, for the General Committee to which was referred House bill entitled: An Act to incorporate the Quechee Hotel Company, reported the same, and recommended its passage.

Ordered, That the bill be read the third time to-morrow morning.

(H. 40.) Mr. WORTHINGTON, for the same Committee to which was referred House bill entitled: An Act for the enlargement of Burial Grounds, reported the same, and with the opinion it ought not to pass,

On motion of Mr. CHITTENDEN, the bill was laid on the table.

Joint Resolution from the House was read as follows :

Resolved, By the Senate and House of Representatives, That the two Houses meet in Joint Assembly on Tuesday next at three o'clock in the afternoon, to elect a Rail Road Commissioner.

Mr. GLEED, moved that the Resolution be laid on the table.

And the question being—Shall the Resolution be laid on the table?

[illegible]

The Yeas and Nays being demanded by Mr. CHITTENDEN, were taken and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, BILLINGS, BUTLER, CHADWICK, DAVIS, FRENCH, of Essex, FRENCH, of Windsor, GLEED, HATCH, MASON, NICHOLSON, POLAND, PUT-

NAM, RUMSEY, RAYMOND, STARK, WILDER, WILSON, and WORTHINGTON.—19.

Those Senators who voted in the negative, are

Messrs, CHITTENDEN, CLARKE, EVERTS, HARRIS, NASH and PHELPS.—6.

So said Resolution was laid on the table.

House bills were read twice and severally referred as follows :

(H. 160.) An Act in alteration of an Act entitled : An Act for the relief of the town of Wheelock—to the General Committee.

(H. 220.) An Act in addition to an Act to incorporate the Vermont Historical and Antiquarian Society—to the Committee on Education.

(S. 53.) The Senate proceeded to consider the amendments proposed by the House to the bill entitled : An Act to incorporate the Bennington Powder Company, and resolved to concur therein.

(S. 56.) The amendments proposed by the House to the bill entitled : An Act to incorporate the Jamaica Lumber Company, were also agreed to.

(S. 97.) Mr. GLEED, introduced a bill entitled : An Act in relation to the Vermont and Canada Rail Road, which was read the first time, and the question being stated from the Chair, Shall the bill be read the second time ?

It was decided in the negative.

(S. 73.) The bill entitled : An Act in addition to, and in amendment of an Act entitled an Act to incorporate the Vermont and Canada Rail Road Company, approved October 31, 1845, was taken up, and the question being on the amendment proposed this morning by Mr. FRENCH, of Windsor.

Mr. FRENCH, of Windsor, moved an amendment thereto as follows :

Add to such proposed amendment the words "such line shall be built under the direction of the Rutland & Burlington Rail Road Company, and such Company, shall own an interest in the same in proportion that the amount paid by them bears to the whole cost of such extension."

And the question being, shall the amendment to the amendment be adopted.

It was decided in the negative : { Yeas 7.
Nays 16.

The Yeas and Nays being demanded by Mr. WILSON, were taken and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, CHADWICK, FRENCH of Windsor, GLEED, RAYMOND, WILDER and WOTHINGTON.—7.

Those Senators who voted in the negative, are

Messrs. BILLINGS, BUTLER, CHITTENDEN, CLARKE, DAVIS, EVERTS, FRENCH of Essex, HARRIS, HATCH, NASH, NICHOLSON PHELPS, PUTNAM, RUMSEY STARK, and WILSON.—16.

So the amendment to the amendment was rejected.

And the question recurring—Shall said amendment be adopted?

[illegible]

The Yeas and Nays being demanded by Mr. CHITTENDEN, were taken and are as follows:

Those Senators who voted in the affirmative, are

Messrs. FRENCH of Windsor, GLEED and RAYMOND—3.

Those Senators who voted in the negative, are

Messrs. BARTHOLOMEW, BILLINGS, BUTLER, CHADWICK, CHITTENDEN, CLARKE, DAVIS, EVERTS, FRENCH of Essex, HARRIS, HATCH, NASH, NICHOLSON, PHELPS, PUTNAM, RUMSEY, STARK, WILDER and WILSON.—19.

So said amendment was rejected.

Mr. GLEED, moved to amend as follows :

Strike out the words "North of Onion River," in Section 2.

And the question being—Shall said amendment be adopted.

It was decided in the negative: { Yeas 7.
Nays 16.

The Yeas and Nays being demanded by Mr. CHITTENDEN, were taken and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, CHADWICK, GLEED, POLAND, PUTNAM, RAYMOND and WORTHINGTON—7.

Those Senators who voted in the negative, are

Messrs. BILLINGS, BUTLER, CHITTENDEN, CLARKE, DAVIS, EVERTS, FRENCH of Essex, HARRIS, HATCH, NASH, NICHOLSON, PHELPS, RUMSEY, STARK, WILDER, and WILSON.—16.

So said amendment was rejected.

Mr. FRENCH, of Windsor, moved to strike out the word "*September*," and insert in lieu thereof the word "*December*," in line 14, of Section 2.

And the question being—Shall said amendment be adopted ?

It was decided in the negative : $\left\{ \begin{array}{l} \text{Yeas, } 7, \\ \text{Nays, } 16. \end{array} \right.$

The Yeas and Nays being demanded by Mr. CHITTENDEN, were taken and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, CHADWICK, FRENCH of Windsor, GLEED, POLAND, PUTNAM, and WORTHINGTON.—7.

Those Senators who voted in the negative, are

Messrs. BILLINGS, BUTLER, CHITTENDEN, CLARKE, DAVIS, EVERTS, FRENCH of Essex, HARRIS, HATCH, NASH, NICHOLSON, PHELPS, RUMSEY, STARK, WILDER and WILSON—16.

So said amendment was rejected.

Mr. GLEED, moved to amend the bill as follows :

Strike out the words "*Eighteen months*" and insert in lieu thereof "*two years*" in Section 2.

And the question being—Shall the amendment be adopted ?

It was decided in the negative : $\left\{ \begin{array}{l} \text{Yeas } 5. \\ \text{Nays } 15. \end{array} \right.$

The Yeas and Nays being demanded by Mr. GLEED, were taken and are as follows :

Those Senators who voted in the affirmative, are
Messrs. BARTHOLOMEW, CHADWICK, FRENCH of Windsor, GLEED, and PUTNAM—5.

Those Senators who voted in the negative, are
Messrs. BILLINGS, BUTLER, CHITTENDEN, CLARKE, DAVIS, EVERTS, FRENCH of Essex, HARRIS, HATCH, NASH, NICHOLSON, PHELPS, RUMSEY, WILDER and WILSON.—15.

So said amendment was rejected.

Mr. FRENCH of Windsor, moved to amend the bill as follows :

Strike out "September" in fourteenth line of second section, and insert "*October*."

And the question being—Shall the amendment be adopted ?

It was decided in the negative: { Yeas 8.
 { Nays 13.

The Yeas and Nays being demanded by Mr. FRENCH, were taken and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, CHADWICK, FRENCH of Essex, FRENCH of Windsor, GLEED, PUTNAM, STARK, and WILDER.—8.

Those Senators who voted in the negative, are

Messrs. BILLINGS, BUTLER, CHITTENDEN, CLARKE, DAVIS, EVERTS, HARRIS, HATCH, NASH, NICHOLSON, PHELPS, RUMSEY, and WILSON.—13.

So said amendment was rejected.

Mr. GLEED, moved to amend the bill as follows :

Strike out of Section 2, lines numbered in the printed bill, viz.

33 "That all passengers passing over said Vermont and
34 Canada railroad, to and from Burlington, and to and from
35 the northern terminus of said Vermont and Canada railroad,
36 and to and from the intermediate points, shall be carried
37 over said extension hereby directed to be located, and
38 over said Vermont and Canada railroad, without delay and

39 without change of cars, except in case of accident or other
40 casualty."

On motion of Mr. CHITTENDEN, said amendment was laid on the table.

Mr. BUTLER, moved to amend the bill as follows :

Amend by inserting in section 2 next after the word "points" in the 36 line of the printed bill the following words "*Situate on the line between the northern terminus of said railroad and said Burlington.*"

Which motion was agreed to.

Mr. CHITTENDEN, called up the amendment last proposed by Mr. GLEED, and just laid on the table, and the question being—Shall the amendment be adopted ?

It was decided in the negative : { Yeas 7.
 { Nays 17.

The Yeas and Nays being demanded by Mr. GLEED, were taken and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, FRENCH of Windsor, GLEED, POLAND, PUTNAM, RAYMOND, and WORTHINGTON.—7.

Those Senators who voted in the negative, are

Messrs. BILLINGS, BUTLER, CHADWICK, CHITTENDEN, CLARKE, DAVIS, EVERTS, FRENCH of Essex, HARRIS, HATCH, NASH, NICHOLSON, PHELPS, RUMSEY, STARK, WILDER, and WILSON.—17.

So said amendment was rejected.

Mr. GLEED, moved to amend the bill in the third section line five, strike out "*thirty*" days and insert "*sixty*" days.

Mr. CHITTENDEN, moved to amend said amendment by substituting "*forty-five*" days and insert "*sixty*" days.

Which motion was agreed to, and the said amendment, as amended, was thereupon agreed to.

Mr. FRENCH of Windsor, moved an amendment, to strike out

"Sec. 4. Any legal proceedings that may be had to enforce any of the provisions, conditions or requisitions, in this Act

may be instituted and had in either of the Counties of Chittenden, Franklin, or Grand Isle."

And the question being—Shall the amendment be adopted.

It was decided in the affirmative : { Yeas 17.
 { Nays 7.

The Yeas and Nays being demanded by Mr. FRENCH of Windsor, were taken and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, BUTLER, CHADWICK, CLARKE, DAVIS, FRENCH of Essex, FRENCH of Windsor, GLEED, NASH, POLAND, PUTNAM, RUMSEY RAYMOND, STARK, WILDER, WILSON and WORTHINGTON.—17.

Those Senators who voted in the negative, are

Messrs. BILLINGS, CHITTENDEN, EVERTS, HARRIS,
HATCH, NICHOLSON and PHELPS.—7.

So said amendment was adopted.

Mr. GLEED, moved to amend the bill,

Strike out from the last clause of Section 3, the words "said Company shall take no benefit of any of the provisions thereof," and insert in lieu thereof, the words "*this Act shall be void.*"

And the question being—Shall the amendment be adopted.

It was decided in the negative : { Yeas 4.
Nays 16.

The Yeas and Nays being demanded by Mr. GLEED, were taken and are as follows:

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, ERENCH of Windsor, GLEED,
and PUTNAM.—4.

Those Senators who voted in the negative, are

Messrs. BILLINGS, BUTLER, CHITTENDEN, CLARKE, DAVIS, EVERTS, FRENCH of Essex, HARRIS, HATCH, NASH, NICHOLSON, PHELPS, RUMSEY, STARK, WILDER. and WILSON.—16.

So said amendment was rejected.

Mr. NICHOLSON, moved to amend by inserting in the 38th line of the second Section of the printed bill after the word

DAVIS, EVERTS, FRENCH, of Essex, HARRIS, HATCH, NASH, NICHOLSON, PHELPS, RUMSEY, STARK, WILDER and WILSON.—16.

So said amendment was rejected.

Mr. GLEED, moved that the bill be laid on the table.

And the question being—Shall the bill be laid on the table ?

It was decided in the negative : $\left. \begin{array}{l} \text{Yeas } 6. \\ \text{Nays } 15. \end{array} \right\}$

The Yeas and Nays being demanded by Mr. FRENCH of Windsor, were taken and are as follows :

Those Senators who voted in the affirmative, are

Messrs. CHADWICK, FRENCH of Windsor, GLEED, PUTNAM, RAYMOND and WORTHINGTON.—6.

Those Senators who voted in the negative, are

Messrs. BILLINGS, BUTLER, CHITTENDEN, CLARKE, DAVIS, EVERTS, FRENCH of Essex, HARRIS, HATCH, NASH, NICHOLSON, PHELPS, RUMSEY, STARK and WILSON.—15.

So said motion to lay the bill on the table was not agreed to.

And the question being stated by the President—Shall the bill be engrossed and read the third time ?

It was decided in the affirmative : $\left. \begin{array}{l} \text{Yeas } 16. \\ \text{Nays } 8. \end{array} \right\}$

The Yeas and Nays being demanded by Mr. GLEED, were taken, and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BILLINGS, BUTLER, CHITTENDEN, CLARKE, DAVIS, EVERTS, FRENCH of Essex, HARRIS, HATCH, NASH, NICHOLSON, PHELPS, RUMSEY, STARK, WILDER and WILSON.—16.

Those Senators who voted in the negative, are

Messrs. BARTHOLOMEW, CHADWICK, FRENCH of Windsor, GLEED, POLAND, PUTNAM, RAYMOND and WORTHINGTON.—8.

So said bill was ordered to be engrossed and read the third time.

Mr. STARK, moved that the vote ordering the engrossment and third reading of said bill be reconsidered.

Which motion was disagreed to.

Mr. EVERTS, moved that the vote adopting a Resolution this afternoon for a Session of the Senate this evening be reconsidered.

Which motion was agreed to, and the Resolution thereupon rejected.

On motion of Mr. HATCH,

The Senate Adjourned.

TUESDAY MORNING, NOVEMBER 16.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

A message was received from the House by Mr. HINKLEY, their Assistant Clerk :

Mr. PRESIDENT :

The House have passed a bill entitled :

(H. 201.) An Act fixing an uniform time for holding the Annual School Meetings of the several School Districts in this State."

In the passage of which I am directed to request the concurrence of the Senate.

The House do not concur with the Senate in the passage of a bill entitled : (S. 61.) An Act to pay Horace Evans the sum therein mentioned.

(H. 162.) Mr. MASON, moved that the vote by which the Senate yesterday passed in concurrence with the House the

bill entitled An Act for the relief of Frazer Jenne, be reconsidered.

Which motion was agreed to, and the bill was thereupon recommitted to the Committee on Claims.

(S. 98.) Mr. FRENCH of Windsor, introduced a bill entitled : An Act in relation to conditional sales of Personal Property, which was read twice and referred to the Committee on Printing.

Mr. PUTNAM, for the Committee on Bills, submitted report.
To the Honorable Senate now in Session :

The Committee on Bills report that we have this day examined and presented to the Governor for his approval and signature bills, originating in the Senate, of the following titles to wit :

Senate bill 5. An Act for the relief of Married Women.

Senate bill 50. An Act to Promote Improvement in the Breeds of Cattle.

Senate bill 63. An Act in addition to the Act incorporating the Village of Rutland.

Senate bill 70. An Act to incorporate the Pittsford Marble Company.

Senate bill 71. An Act incorporating the Union Paper Mill Company.

Senate bill 74. An Act incorporating the Jamaica Cemetery Association.

Senate bill 75. An Act Incorporating the Windham Manufacturing Company.

E. D. PUTNAM, for Committee.

In Senate November 15, 1858.

(S. 99.) Mr. CLARKE, introduced a bill entitled : An Act relating to Minors and Married Women, which was read twice and referred to the Committee on Printing.

(S. 43.) Mr. EVERTS, for the Committee on Finance, to which was referred the bill entitled : An Act regulating the Salary of Rail Road Commissioner, reported the same, without any expression of opinion thereon.

On motion of Mr. CHITTENDEN,

Ordered, That the bill be laid on the table.

(S. 94.) Mr. CHADWICK, for the Committee on Printing to which was referred the bill entitled: An Act relating to Highway Surveyors and Street Commissioners, reported adverse to the printing thereof, and the bill was referred to the Committee on Roads.

(S. 100.) Mr. POLAND, introduced a bill entitled: An Act to repeal an Act to authorize the removal of obstructions from the North Branch of Onion River and its tributaries, which was read twice and referred to the General Committee.

Mr. MASON presented the petition of Lorenzo Monroe, praying for a discharge from a certain judgment therein described, which petition was referred without reading, to the Committee on Claims.

Mr. EVERTS, called up the Joint Resolution from the House providing for the Printing and distribution of the Report of the Secretary of the Board of Education, and the same was thereupon adopted in concurrence.

(S. 101.) Mr. FRENCH, of Essex, introduced a bill entitled: An Act to pay Walter C. Stevens, the sum therein mentioned, which was read twice and referred to the Committee on Claims.

(S. 73.) The engrossed bill entitled: An Act in addition to, and in amendment of an Act entitled an Act to incorporate the Vermont and Canada Rail Road Company, approved October 31, 1845, was read the third time.

Mr. SMITH, moved that the bill be committed to a Senator with instructions to amend as follows:

Insert in 13th line Section 1st, after the words "Southerly Road," the words "Vermont and Canada Road." Also, strike out after the words "Rutland and Burlington Railroad," in the 16th line, 1st Section, the words, "to some point west of the Town House in the Town of Colchester, and thence to connect with the present track of the Vermont and Canada Railroad, at the most suitable and proper point in the Town of Milton, thus connecting said Southern Line, as well as the Vermont Central Line, by the most convenient and direct route with

the terminus of said Vermont and Canada Railroad," and insert in lieu thereof, the following :

"On such route as may be designated by three Commissioners, to be appointed by the Supreme Court at their next Session, to be held in either of the Counties of Chittenden, or Franklin, connecting said Southern Line over said route, so to be designated with the Vermont and Canada Railroad."

And the question being—Shall the bill be committed to a Senator with instructions to amend as directed ?

It was decided in the negative : $\left\{ \begin{array}{l} \text{Yeas 10.} \\ \text{Nays 16.} \end{array} \right.$

The Yeas and Nays being demanded by Mr. CHITTENDEN, were taken and are as follows :

Those Senators who voted in the affirmative, are

Messrs. CHADWICK, FRENCH, of Windsor, GLEED, MASON, POLAND, PUTNAM, RAYMOND, SMITH, WEAD and WORTHINGTON.—10.

Those Senators who voted in the negative, are

Messrs. BILLINGS, BUTLER, CHITTENDEN, CLARKE, DAVIS, EVERTS, FRENCH of Essex, HARRIS, HATCH, NASH, NICHOLSON, PHELPS, RUMSEY, STARK, TUTTLE and WILDER.—16.

So the motion to commit to a Senator to amend was disagreed to, and the amendment rejected.

Mr. NICHOLSON, moved that the bill be recommitted to a Senator with instructions to amend as follows :

Strike out from Section 2, the words "that all passengers passing over said Vermont and Canada railroad, to and from Burlington, and to and from the northern terminus of said Vermont and Canada Railroad, and to and from the intermediate points, shall be carried over said extension hereby directed to be located, and over said Vermont and Canada Railroad, without delay and without change of cars, except in case of accident or other casualty," and insert in lieu thereof," that all passengers passing from Burlington over the extension hereby ordered to be built, and over said Vermont and Canada Railroad to the northern terminus of the last named road, or

to any intermediate station : and all passengers passing over the same roads from said northern terminus or from any of said intermediate stations to said Burlington, shall be carried without delay and without change of cars except in case of accident or other casualty."

Which motion was agreed to, and the bill was thereupon committed to Mr. NICHOLSON, for that purpose, who reported the same amended as directed.

And the question being—Shall the bill pass ?

It was decided in the affirmative: { Yeas 18.
 { Nays 8.

The Yeas and Nays being demanded by Mr. FRENCH, of Windsor, were taken and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BILLINGS, BUTLER, CHITTENEFF, CLARKE, DAVIS, EVERTS, FRENCH of Essex, HARRIS, HATCH, NASH, NICHOLSON, PHELPS, RUMSEY, SMITH, STARK, TUTTLE, WEAD and WILDER.—18.

Those Senators who voted in the negative, are

Messrs. CHADWICK, FRENCH of Windsor, GLEED, MASON, POLAND, PUTNAM, RAYMOND, and WORTHINGTON.—8.

So said bill was passed.

A message was received from the House by Mr. WILLIAMS, their Assistant Clerk, as follows :

MR. PRESIDENT :

The House have passed a bill entitled :

(H. 226.) An Act providing for the safety of Probate Records.

In the passage of which bill, I am directed to request the concurrence of the Senate.

The House have adopted a Joint Resolution providing for a final adjournment of both Houses.

In the adoption of which I am directed to request the concurrence of the Senate.

(H. 174.) House bill entitled : An Act to incorporate the Quechee Hotel Company, was read the third time and passed.

(H. 226.) House bill entitled ; An Act providing for the safety of Probate Records, was read twice and referred to the General Committee.

A message was received from the House by Mr. BIGELOW, their Assistant Clerk, as follows :

Mr. PRESIDENT :

I am directed by the House to request the Senate to restore to the House, Senate bill entitled : (S. 61.) An Act to pay Horace Evans the sum therein mentioned.

Joint Resolution from the House was read as follows :

Resolved, By the Senate and House of Representatives, That the President of the Senate, and the Speaker of the House of Representatives be, and they are hereby directed to adjourn their respective Houses without day, on Friday the 26th day November inst. at 6 o'clock, A. M.

On motion of Mr. BUTLER, said Resolution was laid on the table.

(S. 102.) Mr. GLEED, introduced a bill entitled : An Act in relation to the Rutland and Burlington Rail Road, which was read the first time, and the question being stated by the President, the second reading of said bill was refused.

(H. 201.) House bill entitled : An Act fixing an uniform time for holding the Annual School Meeting of the several School Districts in this State, was read twice and referred to the Committee on Education.

On motion of Mr. EVERTS,

The Senate Adjourned.

AFTERNOON.

(H. 138.) Mr. HARRIS, for the Committee on Manufactures, to which was referred House bill entitled : An Act to incorporate the Canaan Aqueduct Company, reported the same without amendment, and recommended its passage.

Said bill was on motion of Mr. WILDER, referred to the Committee on the Judiciary.

(H. 193.) Mr. PHELPS, for the Committee on Land Taxes, to which was referred House bill entitled : An Act in amendment of an Act incorporating the Vermont Asylum for the Insane, reported the same and recommended its passage, and the bill was read the third time and passed.

(S. 98.) Mr. HATCH, for the Committee on Printing, to which was referred the bill entitled : An Act in relation to conditional sales of Personal Property, reported the same and recommended that three hundred copies be printed, said bill was laid on the table and three hundred copies printed.

(S. 99.) Mr. CHADWICK, for the same Committee to which was referred the bill entitled : An Act relating to Minors and Married Women, reported the same, and recommended that three hundred copies be printed, for the use of the Senate, said bill was ordered to lie and that three hundred copies be printed.

(H. 177.) Mr. EVERTS, for the Committee on Finance to which was referred House bill entitled : An Act in relation to Taxing Town Farms and other Property belonging to Towns, reported the same and with the opinion that said bill ought not to pass.

Whereupon the third reading of said bill was refused.

(S. S2.) Mr. DAVIS, for the Committee on Roads to which was referred the bill entitled : An Act for the erection of Watering Troughs on the Public Highways, reported the same and with the opinion that said bill ought not to pass.

Mr. CLARKE, moved to fill the blank in Section — with the word *five*.

Which motion was agreed to.

Mr. FRENCH of Windsor, moved to strike out the whole of Section 3.

Which motion was agreed to, and on motion of Mr. TUTTLE, the bill was indefinitely postponed.

(S. 24.) Mr. FRENCH of Windsor, for the Committee on the Judiciary to which was referred the bill entitled : An Act in relation to Mortgages of Personal Property, reported the same, with certain proposals of amendment and with the opinion that said bill, if amended as proposed, ought to pass.

The amendments proposed by the Committee were adopted.

Mr. WILDER, moved that the bill be indefinitely postponed.

And the question being—Shall the bill be indefinitely postponed.

It was decided in the negative : $\left\{ \begin{array}{l} \text{Yeas 12.} \\ \text{Nays 14.} \end{array} \right.$

The Yeas and Nays being demanded by Mr. GLEED, were taken, and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BILLINGS, BUTLER, CLARKE, DAVIS, FRENCH of Essex, HARRIS, NASH, NICHOLSON, PHELPS, PUTNAM, RUMSEY, and WILDER.—12.

Those Senators who voted in the negative, are

Messrs. CHADWICK, CHITTENDEN, EVERTS, FRENCH of Windsor, GLEED, HATCH, MASON, POLAND, RAYMOND, SMITH, STARK, TUTTLE, WEAD, and WORTHINGTON.—14.

So said motion was disagreed to.

Said bill was thereupon laid on the table, and three hundred copies ordered to be printed.

(S. 61.) The Senate directed the Secretary to restore to the

possession of the House the bill entitled : An Act to pay Horace Evans the sum therein mentioned, agreeably to the request of the House in that behalf.

(S. 78.) Mr. WEAD, for the Committee on Land Taxes, to which was referred the bill entitled : An Act laying a Tax on the Lands in Lowell, reported the same without amendment, and recommended its passage.

Mr. DAVIS moved that the bill be indefinitely postponed.

And the question being—Shall the bill be indefinitely postponed ?

It was decided in the affirmative : { Yeas 13.
 { Nays 10.

The Yeas and Nays being demanded by Mr. DAVIS, were taken, and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BUTLER, CHITTENDEN, DAVIS, EVERTS, FRENCH of Windsor, HARRIS, NICHOLSON, PHELPS, POLAND, PUTNAM, RUMSEY, RAYMOND, and WILDER.—13.

Those Senators who voted in the negative, are

Messrs. BILLINGS, CHADWICK, CLARKE, GLEED, HATCH, MASON, SMITH, STARK, WEAD, and WORTHINGTON.—10.

So said bill was indefinitely postponed.

A message was received from the Governor by Mr. DAVIS, Secretary of Civil and Military Affairs.

Mr. PRESIDENT :

I am directed by the Governor to inform the Senate, that he has this day approved and signed bills originating in the Senate, of the following titles, viz :

(S. 5.) An Act for the relief of Married Women.

(S. 50.) An Act to Promote Improvement in the Breeds of Cattle.

(S. 63.) An Act in addition to the Act incorporating the Village of Rutland.

(S. 71.) An Act incorporating the Union Paper Mill Company.

(S. 74.) An Act incorporating the Jamaica Cemetery Association.

(S. 75.) An Act incorporating the Windham Manufacturing Company.

(S. 70.) An Act to incorporate the Pittsford Marble Company.

(S. 103.) Mr. CHADWICK, introduced a bill entitled : An Act repealing certain Acts creating the office of Rail Road Commissioner, which was read twice and referred to the Committee on Printing.

(H. 40.) Mr. WILDER, called up the bill entitled : An Act entitled an Act for the enlargement of Burial Grounds, and moved that it be recommitted to the General Committee.

Which motion was agreed to.

On motion of Mr. RAYMOND,

The Senate Adjourned.

WEDNESDAY MORNING NOVEMBER, 17.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

(S. 104.) Mr. CHITTENDEN, by request introduced a bill entitled : An Act to pay Benjamin Clark, the sum therein mentioned, which was read twice and referred to the Committee on Claims.

Mr. CHITTENDEN, also presented the petition of said Benjamin Clark, praying for the passage of the said bill, which was referred without reading to the Committee on Claims.

Bills from the House of the following titles, were severally read the third time and passed.

(H. 210.) An Act to pay Lovell Leach, the sum therein mentioned.

(H. 135.) An Act to pay William Houghton, the sum therein mentioned.

(H. 185.) An Act to pay Sabin P. Morse, the sum therein named.

Bills entitled : (S. 96.) An Act in relation to actions of Ejectment, Trespass and Trespass on the Case, was taken up, and referred to the Committee on the Judiciary.

(S. 99.) An Act relating to Minors and Married Women.

(S. 98.) An Act in relation to Conditional Sales of Personal Property.

(H. 8.) House bill entitled : An Act for the aid of Fire Departments, was taken up for consideration.

Whereupon, on motion of Mr. DAVIS, the bill was indefinitely postponed.

(S. 1.) The bill entitled : An Act repealing an Act relating to Savings Banks, approved November 10, 1857, was taken up for consideration.

On motion of Mr. DAVIS, the bill was laid on the table.

(S. 105.) Mr. CHADWICK, introduced a bill entitled : An Act to incorporate the Caledonia County Mutual Fire Insurance Company, which was read twice, and referred to the General Committee.

(S. 37.) Mr. CHITTENDEN, called up the bill entitled : An Act relating to proceedings upon Executions, and on his motion the bill was made the special order for Friday next at 10 o'clock A. M.

(S. 74.) Mr. BUTLER, called up the bill entitled : An Act to incorporate the Connecticut River Mutual Fire Insurance Company.

And the question being—Shall the bill pass ?

It was decided in the negative : { Yeas 12.
 { Nays 13.

The Yeas and Nays being demanded by Mr. HARRIS, were taken and are as follows :

Those Senators who voted in the affirmative, are
Messrs. BUTLER, CHITTENDEN, CLARKE, DAVIS,
FRENCH of Essex, HARRIS, HATCH, MASON, NICHOL-
SON, PHELPS, WEAD and WILDER.—12.

Those Senators who voted in the negative, are
Messrs. BARTHOLOMEW, BILLINGS, CHADWICK,
EVERTS, FRENCH of Windsor, GLEED, NASH, POLAND,
PUTNAM, RAYMOND, RUMSEY, STARK and WORTH-
INGTON.—13.

So the passage of said bill was refused.

(H. 110.) The bill entitled: An Act relating to Common
Schools, was taken up, and by unanimous consent, Mr.
CLARKE, in behalf of the Committee on Education, withdrew
the amendment heretofore reported by said Committee.

Mr. EVERTS, moved that the Senate propose to the House
the following amendment:

In Section 10, line two and three, strike out the words "shall
consist of the three voters resident in such Union District," and
insert "of the Chairman of the District Committees of which
such Union District is composed.

Mr. GLEED, moved to amend said amendment by adding
the following: "if there are an even number of districts, then
one additional member of the Committee.

On motion of Mr. FRENCH of Windsor, the bill with
amendments was laid on the table.

On motion of Mr. WILDER,

The Senate Adjourned.

AFTERNOON.

(H. 155.) Mr. CHITTENDEN, for the Committee on the Judiciary, to which was referred the bill from the House entitled: An Act in addition to an Act relating to the Registry, and Return of Births, Marriages and Deaths, approved November 17, 1856, and an Act in amendment thereof, approved October 30, 1857, reported the same, and recommended its passage.

Whereupon the bill was read the third time, and on motion of Mr. CHITTENDEN, laid on the table.

Mr. CHITTENDEN, for the same Committee to which was referred the Resolution relative to the election of one additional Judge of the Supreme Court, reported that said Committee were of the opinion that it is not expedient to legislate further at the present Session, in relation to the subject matter of the Resolution.

The Report was accepted and the Committee discharged from further consideration thereof.

A message was received from the House by Mr. BIGELOW, Assistant Clerk.

Mr. PRESIDENT:

The House have passed bills of the following titles:

(H. 150.) An Act to pay Abijah Miller, the sum therein mentioned.

(H. 211.) An Act to incorporate the Henry Mill Company.

(H. 195.) An Act in addition to Chapter forty-five of the Compiled Statutes.

(H. 222.) An Act in amendment of an Act entitled: An

Act in amendment of, and in addition to an Act to incorporate Barre Academy.

(H. 247.) An Act establishing the weight of Herds Grass, or Timothy Seed.

In the passage of which bills I am directed to request the concurrence of the Senate.

The House have passed in concurrence with the Senate, bills of the following titles :

(S. 83.) An Act to provide for reconstructing the Cells of the State Prison and making repairs.

(S. 87.) An Act in amendment of an Act incorporating the New England Pottery Company.

The House do not concur with the Senate in the passage of a bill entitled :

(S. 47.) An Act in amendment of an Act relating to Inquests of the Dead, approved November 12, 1856.

(S. 77.) Mr. CHITTENDEN, for the Committee on the Judiciary, to which was referred the bill entitled : An Act in amendment of an Act approved Dec. 6, 1853, entitled : An Act to amend an Act to prevent the traffic in Intoxicating Liquor for the purpose of drinking, approved November, 23, 1852, reported the same, and with the opinion that said bill ought not to pass.

On motion of Mr. EVERTS, the bill was laid on the table.

(S. 94.) Mr. BUTLER, for the Committee on Roads, to which was referred the bill entitled : An Act relating to Highway Surveyors and Street Commissioners, reported the same without amendment, and recommended its passage.

Ordered, That the bill be engrossed and read the third time to-morrow morning.

(S. 89.) Mr. BARTHOLOMEW, for the Committee on Finance, to which was referred the bill entitled : An Act Exempting Musical Instruments from Attachment and Levy on Execution, reported the same without amendment, and without any expression of opinion thereon.

On motion of Mr. EVERTS, the bill was laid on the table and made the special order for to-morrow morning at 11 o'clock.

(H. 154.) Mr. EVERTS, for the Committee on Finance, to which was referred the bill from the House entitled : An Act relating to the Reports of the Supreme Court, reported the same and recommended its passage.

Said bill was read the third time, and on motion of Mr. FRENCH of Windsor, laid on the table

(S. 101.) Mr. MASON, for the Committee on Claims, to which was referred the bill entitled : An Act to pay Walter C. Stevens, the sum therein mentioned, reported the same, with a recommendation to fill the blank in Section 1, with the words "fifty-eight dollars and fifty-eight cents," and with the opinion that said bill ought to pass.

Ordered, That the bill be engrossed and read the third time.

Mr. WORTHINGTON, for the General Committee, to which was referred House bills entitled : (H. 226.) An Act providing for the safety of Probate Records and (H. 160.) An Act in alteration of an Act entitled An Act for the relief of the Town of Wheelock, approved November 10, 1857, reported the same and recommended the passage thereof.

Said bills were severally read the third time and passed.

(S. 105.) Mr. WORTHINGTON, for the same Committee to which was referred the bill entitled : An Act to incorporate the Caledonia County Mutual Fire Insurance Company, reported the same, without amendment, and recommended its passage.

Ordered, That the bill be engrossed and read the third time.

Mr. RAYMOND, for the Committee on bills, reported that said Committee have this day examined and submitted to the Governor for his approval and signature, bills originating in the Senate of the following titles, viz :

No. 53. An Act to incorporate the Bennington Powder Company.

No. 56. An Act to incorporate the Jamaica Leather Company.

No. 60. An Act for the relief of bail in Criminal Cases.

(S. 6.) Mr. DAVIS, for the Committee on Banks, to which was recommitted the bill entitled : An Act for the relief of St. Albans Bank, made a written report thereon.

Ordered, That the bill be laid on the table and made the special order for to-morrow morning at 11 1-2 o'clock.

Mr. WILDER, called up the Joint Resolution from the House providing for the final adjournment of the General Assembly, and on motion of Mr. BARTHOLOMEW, it was again laid on the table.

(S. 35.) Mr. EVERTS, called up the bill entitled: An Act to pay Jacob Edgerton, the sum therein mentioned.

And moved to fill the blank in Section 1, with the words, "one hundred and one dollars and fifty cents," pending which.

On motion of Mr. FRENCH of Windsor, the bill was laid on the table.

(S. 78.) Mr. EVERTS, moved that the vote by which the Senate indefinitely postponed the bill entitled: An Act Laying a Tax on Lands in Lowell, be reconsidered.

Which motion was agreed to, and the bill, on motion of Mr. WORTHINGTON, was laid on the table.

House bills were severally read twice and referred as follows:

(H. 150.) An Act to pay Abijah Miller, the sum therein mentioned—to the Committee on Claims.

(H. 195.) An Act in addition to Chapter forty-five of the Compiled Statutes—to the General Committee.

(H. 211.) An Act to incorporate the Henry Mill Company—to the Committee on Manufactures.

(H. 222.) An Act in amendment of an Act entitled: An Act in amendment of, and in addition to an Act to incorporate the Barre Academy—to the Committee on Education.

(H. 247.) An Act establishing the weight of Grass Seed—to the Committee on Agriculture.

(S. 77.) Mr. NICHOLSON, called up the bill entitled: An Act in amendment of an Act approved December 6, 1853, entitled: An Act to amend an Act to prevent the traffic in Intoxicating Liquors for the purpose of drinking, approved November 23, 1852, and moved to amend the same by inserting in Section 1, line seven, after the word *hired*, the words "for any portion of any one day."

And the question being—Shall the amendment be adopted ?

It was decided in the affirmative : $\left\{ \begin{array}{l} \text{Yeas 15.} \\ \text{Nays 10.} \end{array} \right.$

The Yeas and Nays being demanded by Mr. NICHOLSON, were taken and are as follows :

Those Senators who voted in the affirmative, are

Messrs. CHADWICK, DAVIS, EVERTS, FRENCH of Windsor, GLEED, HARRIS, MASON, NICHOLSON, PHELPS, PUTNAM, RUMSEY, RAYMOND, WEAD, WILDER and WORTHINGTON.—15.

Those Senators who voted in the negative, are

Messrs. BARTHOLOMEW, BILLINGS, CHITTENDEN, CLARKE, FRENCH of Essex, HATCH, NASH, POLAND, SMITH and STARK.—10.

So said amendment was adopted.

On motion of Mr. CHITTENDEN, the bill was referred to the General Committee.

A message was received from the House by Mr. WILLIAMS, their Assistant Clerk, as follows :

Mr. PRESIDENT :

The House have passed in concurrence with the Senate, a bill entitled : (S. 73.) An Act in addition to, and in amendment of an Act entitled : An Act to incorporate the Vermont and Canada Railroad Company, approved October 31, 1845.

A message was received from the Governor by Mr. DAVIS, Secretary of Civil and Military Affairs, as follows .

Mr. PRESIDENT :

I am directed by the Governor to transmit to the Senate a Communication in writing, with accompanying documents.

Said Communication was read as follows.

HON. BURNHAM MARTIN,

PRESIDENT OF THE SENATE.

SIR : I have the honor to transmit to the Senate for the use of the General Assembly the First Annual Report* of the Trustees of the State Library, in compliance with the Act entitled : "An Act in re-

*See Appendix.

lation to the State Library," passed November 11, 1857. The Report shows the accessions made to the Library, both by exchanges and purchase, during the past year, and there is also appended a printed catalogue of the books now belonging to the Library.

HILAND HALL.

EXECUTIVE CHAMBER, }
Nov. 17, 1858. }

Said Annual Report* was referred to the Committee under the fourth Joint Rule.

A message was received from the House by Mr. HINKLEY, their Assistant Clerk, as follows :

Mr. PRESIDENT :

The House have passed bills of the following titles :

(H. 192.) An Act to enlarge the Powers of Montpelier Union District.

(H. 255.) An Act to restore Charles H. Brown, Alfred Peters, Edward Parker, Wait Brown and Peter Mayo, to their Legal Rights and Privileges.

In the passage of which bills I am directed to request the concurrence of the Senate.

On motion of Mr. CHITTENDEN,

The Senate Adjourned.

*See Appendix.

THURSDAY MORNING, NOVEMBER 18.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

(S. 103.) Mr. HATCH, for the Committee on Printing to which was referred the bill entitled : An Act repealing certain Acts creating the office of the Rail Road Commissioner, reported adverse to the printing thereof, and the same was referred to the Committee on Roads.

(S. 106.) Mr. STARK, introduced a bill entitled : An Act in addition to Chapter 31, of the Compiled Statutes entitled "Process" which was read twice and referred to the Committee on Printing.

(S. 107.) Mr. POLAND, introduced a bill entitled : An Act to exempt Highways from the operations of the Statute of Limitations, which was read twice and referred to the Committee on Printing.

(S. 108.) Mr. WILSON, introduced a bill entitled : An Act in addition to Chapter Sixty-seven of the Compiled Statutes, relating to Divorce, which was read twice and referred to the Committee on Printing.

(S. 109.) Mr. POLAND, introduced a bill entitled : An Act in relation to Highway Taxes, and in addition to Chapter Twenty-three of the Compiled Statutes, which was read twice and referred to the Committee on Printing.

(S. 110.) Mr. CHADWICK, introduced a bill entitled : An Act to incorporate the St. Johnsbury Cornet Band, which was read twice, and referred to the General Committee.

(H. 154.) House bill entitled : An Act relating to the Reports of the Supreme Court, was taken up, and, having heretofore been read the third time, passed in concurrence.

A message was received from the House by Mr. WILLIAMS, Assistant Clerk, as follows :

Mr. PRESIDENT :

The House have passed a bill entitled :

(H. 171.) An Act to correct an error in the Grand List of the Town of Brandon, and for the relief of said Town.

In the passage of which; I am directed to request the concurrence of the Senate.

The House have adopted a Joint Resolution providing for a Joint Assembly for hearing the further Report of the Canvassing Committee on County and Probate District Officers.

In the adoption of which I am directed to request the concurrence of the Senate.

The House have passed in concurrence with the Senate a bill entitled : (S. 36.) An Act relating to Highways.

(H. 110.) Mr. CLARKE, called up the bill from the House entitled : An Act relating to Common Schools, and by unanimous consent, the amendments proposed by Mr. Everts, and Mr. Gleed, and spread upon the Journal of yesterday morning, were withdrawn. Whereupon

Mr. CLARKE, moved that the Senate propose to the House to amend as follows :

Strike out all of Section 10, and insert in lieu thereof, the following :

Sec. 10. The Chairman of the Prudential Committees of the various Districts, comprising the Union Districts, shall together constitute the Prudential Committee of the Union District, and the member of the Prudential Committee of any School District, first elected, shall be considered the Chairman thereof; *Provided*, That whenever such Union District shall be formed of an even number of Districts, there shall be added to said Committee, one person, resident in such Union District, who shall be chosen Annually, at any legal meeting of said Union District, duly warned for that purpose, and who shall hold his office for one year thereafter, and until another shall be chosen."

Which motion was agreed to.

Mr. FRENCH of Windsor, moved that the Senate propose to the House further to amend the bill by striking out of Sec-

tion twelve, line eleven, "County" and insert "Town," also, strike out all of the Section after the word "distributed, in line 12, of said Section, and insert "to the persons entitled thereto." Which motion was agreed to.

Mr. FRENCH of Windsor, moved that the Senate propose to the House further to amend the bill in

Sec. 4. Strike out all after the word "*effect*," in eighteenth line and insert, "and such Teachers Contract with the School District shall become void therefrom, and it shall not be lawful for the Prudential Committee to pay such Teacher for any services thereafter performed as Teacher.

Which motion was agreed to.

Mr. EVERTS, moved that the Senate propose to the House further to amend the bill by striking out

Sec. 6. "That portion of the public money which is now by law required to be divided annually, to the respective Districts in each Town, in proportion to the number of their scholars between four and eighteen years of age shall hereafter be divided to such Districts in proportion to the average daily attendance of the scholars of such Districts (who are between the ages of four and twenty years,) upon the common school in such Districts during the preceeding school year; such average daily attendance to be ascertained from the records thereof to be kept in the Registers of such schools as is prescribed in the preceeding section of this Act, by adding together the number of days of actual attendance of each Legal Scholar, as shown by the Record, and dividing the sum, or aggregate attendance, by the number of days the school has been kept during the year, the quotient to be considered the average daily attendance required."

And the question being—Shall the amendment be adopted ?

It was decided in the negative : $\left. \begin{array}{l} \text{Yeas } 4. \\ \text{Nays } 23. \end{array} \right\}$

The Yeas and Nays being demanded by Mr. CHITTENDEN, were taken, and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BILLINGS, EVERTS, HARRIS and RUMSEY.—4.

Those Senators who voted in the negative, are

Messrs. BARTHOLOMEW, BILL, BUTLER, CHITTENDEN, CLARKE, DAVIS, FRENCH of Essex, FRENCH of Windsor, HATCH, MASON, NASH, NICHOLSON, PHELPS, POLAND, PUTNAM, RAYMOND, SMITH, STARK, TUTTLE, WEAD, WILDER, WILSON and WORTHINGTON—23

So said amendment was rejected.

On motion of Mr. DAVIS,

The Senate Adjourned.

AFTERNOON.

(S. 111.) Mr. BARTHOLOMEW, introduced a bill entitled : An Act making an appropriation for rebuilding the State House, which was read twice and referred to the Committee on Printing.

(H. 247.) Mr. RUMSEY, for the Committee on Agriculture, to which was referred the bill from the House entitled : An Act establishing the Weight of Herds Grass Seed, reported the same, and with the opinion that said bill ought not to pass.

The third reading of said bill was thereupon refused.

A message was received from the Governor, by Mr. DAVIS, Secretary of Civil and Military Affairs, as follows :

MR. PRESIDENT :

I am directed by the Governor to inform the Senate, that he has approved and signed bills originating in the Senate of the following titles, viz :

(S. 53.) An Act to incorporate the Bennington Powder Company.

(S. 56.) An Act to incorporate the Jamaica Leather Company.

(S. 60.) An Act for the relief of Bail in Criminal Cases.

(S. 95.) Mr. WORTHINGTON, for the General Committee to which was referred the bill entitled : An Act in addition to an Act, entitled an Act authorizing the Selectmen of the several Towns to establish Fire Districts in certain cases, approved November 11, 1854, reported the same with proposal of amendment, and with the opinion that the bill, if amended as proposed, ought to pass.

On motion of Mr. BUTLER, the bill, with the amendment, was laid on the table.

(S. 110.) Mr. WORTHINGTON, for the General Committee, to which was referred the bill entitled : An Act to incorporate the St. Johnsbury Cornet Band, reported the same, without amendment, and recommended its passage.

Ordered, That the bill be engrossed and read the third time.

Mr. RAYMOND, for the Committee on Bills, reported that said Committee had examined and this day submitted to the Governor for his approval and signature, bills originating in the Senate of the following titles, viz :

No. 73. An Act in addition to, and in amendment of an Act entitled : An Act to incorporate the Vermont and Canada Rail Road Company, approved October 31, 1845.

No. 76. An Act in addition to an Act in amendment of an Act incorporating the Village of Bennington.

No. 83. An Act to provide for reconstructing the Cells of the State Prison and making repairs.

No. 87. An Act in amendment of an Act incorporating the New England Pottery Company.

(S. 108.) Mr. CHADWICK, for the Committee on Printing, to which was referred the bill entitled : An Act in addition to Chapter 31, of the Compiled Statutes, entitled Process, reported the same, and recommended that three hundred copies be printed and the bill was laid on the table and three hundred copies ordered to be printed.

(S. 109.) Mr. CHADWICK, for the same Committee to

which was referred the bill entitled : An Act in relation to Highway Taxes and in addition to Chapter Twenty-three of the Compiled Statutes, reported adverse to the printing thereof, and the bill was referred to the Committee on Roads.

(S. 77.) Mr. NICHOLSON, for the General Committee to which was referred the bill entitled : An Act in amendment of an Act approved December 6, 1853, entitled : An Act to amend an Act to prevent the traffic in Intoxicating Liquor for the purpose of drinking, approved November 23, 1852, reported the same, with a proposal of amendment, and with the opinion that said bill, if so amended, ought to pass. The amendment was adopted, and on motion of Mr. BUTLER, the bill was laid on the table, and three hundred copies ordered to be printed.

(S. 107.) Mr. HATCH, for the Committee on Printing, to which was referred the bill entitled : An Act to Exempt Highways from the operation of the Statute of Limitations, reported adverse to the printing thereof, and the bill was referred to the Committee on the Judiciary.

(S. 106.) Mr. HATCH, for the same Committee to which was referred the bill entitled : An Act in addition to Chapter 31, of the Compiled Statutes entitled, Process, reported the same, and recommended that three hundred copies be printed.

Ordered, That the bill be laid on the table and three hundred copies be printed.

(S. 49.) Mr. POLAND, for the Committee on Finance, to which was referred the bill entitled : An Act in amendment of Section 68, of Chapter 20 of the Compiled Statutes, relating to State School Tax, reported the same, and with the opinion that said bill ought not to pass. The third reading of the bill was thereupon refused.

(H. 211.) Mr. HARRIS, for the Committee on Manufactures to which was referred House bill entitled : An Act to incorporate the Henry Mill Company, reported the same without amendment, and recommended its passage, and the bill was read the third time and passed.

(S. 98.) Mr. FRENCH, of Windsor, for the Committee

on the Judiciary, to which was referred the bill entitled: An Act in relation to Conditional Sales in Personal Property, reported the same, without amendment, and recommended its passage.

On motion of Mr. CHITTENDEN, the bill was laid on the table, and made the special order for Saturday next at 10 o'clock A.M.

(S. 24.) The bill entitled: An Act in relation to Mortgages of Personal Property, was taken up and on motion of Mr. CHITTENDEN, made the special order for Saturday next at 11 o'clock, A.M.

(S. 111.) Mr. CHADWICK, for the Committee on Printing to which was referred the bill entitled: An Act making an appropriation for Rebuilding the State House, reported adverse to the printing thereof, and the same was referred to the Committee on Finance.

Mr. CLARKE, offered the following Resolution, which was read and referred to the Committee on Finance.

Whereas, The sum heretofore appropriated for procuring a figure for the Dome of the Capital is insufficient to compensate the Artist who executed it by the amount of the expenses of placing it on said Dome, therefore.

Resolved, *By the Senate and House of Representatives*, That the Superintendent be authorized to draw upon the Treasury for the full amount of eight hundred dollars heretofore appropriated, irrespective of cost of elevating the Statue to its place

Mr. HARRIS, offered the following Resolution which was read and adopted.

Resolved, That no bill shall be introduced, or considered by the Senate (except such as may be reported by Committees) after Monday next.

(S. 35.) Mr. EVERTS, called up the bill entitled: An Act to pay Jacob Edgerton, the sum therein mentioned, the pending question being, on the motion heretofore made by Mr. Everts, to fill the blank in Section one, with the sum of \$101.50.

And it was decided in the negative.

Mr. EVERTS, moved to fill the blank with the sum of \$82.60.

Which motion was agreed to.

And the question being—Shall the bill be engrossed and read the third time ?

It was decided in the affirmative : $\begin{cases} \text{Yeas } 19. \\ \text{Nays } 8. \end{cases}$

The Yeas and Nays being demanded by Mr. RAYMOND, were taken and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, BILL, BILLINGS, CHADWICK, CLARKE, DAVIS, EVERTS, GLEED, HARRIS, NASH, NICHOLSON, PHELPS, POLAND, PUTNAM, RUMSEY SMITH, STARK, TUTTLE and WORTHINGTON.—19.

Those Senators who voted in the negative, are

Messrs. BUTLER, FRENCH of Essex, FRENCH of Windsor, HATCH, RAYMOND, WEAD, WILDER and WILSON.—8.

So said bill was ordered to be engrossed and read the third time.

(H. 74.) Mr. STARK, moved that the vote by which the Senate refused a third reading of the House bill entitled : An Act to incorporate the Connecticut River Mutual Fire Insurance Company, be reconsidered, and the same having been reduced to writing, was on motion of Mr. GLEED, laid on the table.

(H. 110.) House bill entitled : An Act relating to Common Schools, was taken up.

Mr. EVERTS, moved that the Senate propose to the House to amend the bill by striking out Sec. 7.

SEC. 7. The Secretary of the Board of Education is hereby required to prescribe the blank forms for a School Register, conveniently arranged for keeping a daily record of the attendance of Children upon the Schools, and containing printed interrogatories, addressed to Teachers and to District Clerks, for the procurement of such Statistical Information as the Board of Education may seek to obtain in each year ; and, in the Month of January in each year, the Secretary shall procure and furnish to the Town Clerk in each Town in the State, a sufficient number of

such Registers to supply each District Clerk in said Town with one Register for each School in his District for the ensuing School year. And it is hereby made the duty of each Town Clerk to receive such Registers for his Town, and immediately forward by Mail to the Secretary his receipt therefor; and, on failure to receive such Registers by the first day of February in each year the Town Clerk shall immediately notify the Secretary thereof who shall supply the deficiency forthwith. And it is made the duty of each District Clerk, during the first week in March annually, to procure of the Town Clerk a Register for each School in his District, and be responsible for the safe keeping thereof."

Also, to strike out Sec. 12.

"SEC. 12. The Secretary of the Board of Education shall annually prepare and print three thousand five hundred copies of his Annual Report, and have the same ready for distribution on the assembling of the Legislature in each year, and shall distribute the same as follows: one copy to each Town Superintendent; one copy to each District Clerk; one copy to each Principal of a High School, Union School, or Academy, in this State;—the necessary copies for all, except Members of the Legislature, to be forwarded by the Secretary to the various Town Clerks, and be by them distributed in the same manner in which the Laws are distributed."

And the question being—Shall said amendment be adopted?

It was decided in the negative: { Yeas 4.
Nays 24.

The Yeas and Nays being demanded by Mr. CLARK, were taken, and are as follows:

Those Senators who voted in the affirmative, are

Messrs BILLINGS, EVERTS, HARRIS, and NICHOLSON.—4.

Those Senators who voted in the negative, are

Messrs. BARTHOLOMEW, BILL, BUTLER, CHADWICK, CHITTENDEN, CLARKE, DAVIS, FRENCH of Essex, FRENCH of Windsor, HATCH, MASON, NASH, PHELPS, POLAND PUTNAM, RAYMOND, RUMSEY, SMITH,

STARK, TUTTLE, WEAD, WILDER, WILSON and WORTHINGTON.—24.

So said amendment was rejected.

Mr. NICHOLSON, moved the following: That the Senate propose to the House to amend by striking out all after the enacting clause and insert the following:

"Sec. 1. All Laws heretofore enacted, now in force in this State, creating the office, or defining the duties of Superintendent, of Common Schools, are hereby repealed.

Sec. 2. The Act entitled: An Act to establish a Board of Education, approved November 18th, 1856, is hereby repealed.

Sec. 3. All existing provision of Law, found to be incompatible with the effect of this Act, are hereby repealed.

Sec. 4. This Act shall not in any way effect any right or liability already accrued in favor of or against any party.

Sec. 5. This Act shall take effect from its passage."

And the question being—Shall said amendment be adopted?

It was decided in the negative: { Yeas 1.
Nays 27.

The Yeas and Nays being demanded by Mr. CLARKE, were taken and are as follows:

The Senator who voted in the affirmative, is

Mr. NICHOLSON.—1.

Those Senators who voted in the negative, are

Messrs. BARTHOLOMEW, BILL, BILLINGS, BUTLER, CHADWICK, CHITTENDEN, CLARKE, DAVIS, EVERTS, FRENCH of Essex, FRENCH, of Windsor, HARRIS, HATCH, MASON, NASH, PHELPS, POLAND, PUTNAM, RAYMOND, RUMSEY, SMITH, STARK, TUTTLE, WEAD, WILDER, WILSON and WORTHINGTON.—27.

So said amendment was rejected.

And the question being—Shall the bill be read the third time?

It was decided in the affirmative: { Yeas 29.
Nays 0.

The Yeas and Nays being demanded by Mr. NICHOLSON, were taken, and are as follows:

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, BILL, BILLINGS, BUTLER, CHADWICK, CHITTENDEN, CLARKE, DAVIS, EVERTS, ERENCH, of Essex, FRENCH of Windsor, GLEED, HARRS, HATCH, MASON, NASH, NICHOLSON, PHELPS, POLAND, PUTNAM, RAYMOND, RUMSEY, SMITH, STARK, TUTTLE, WEAD, WILDER, WILSON and WORTH-TON.—29.

No Senator voting in the negative.

So said bill was read the third time.

And the question being—Shall the bill pass?

It was decided in the negative : $\left\{ \begin{array}{l} \text{Yeas 29.} \\ \text{Nays 0.} \end{array} \right.$

The Yeas and Nays being demanded by Mr. NICHOLSON, were taken, and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, BILL, BILLINGS, BUTLER, CHADWICK, CHITTENDEN, CLARKE, DAVIS, EVERTS, FRENCH of Essex, FRENCH of Windsor, GLEED, HARRIS, HATCH, MASON, NASH, NICHOLSON, PHELPS, POLAND, PUTNAM, RAYMOND, RUMSEY, SMITH, STARK, TUTTLE, WEAD, WILDER, WILSON, and WORTHINGTON.—29.

No Senator voting in the negative.

So the bill was passed in concurrence, with the proposal of amendment.

Mr. WILSON, offered the following Resolution, which was read and rejected.

Resolved, That when the Senate adjourn, it adjourn to meet again this evening at 7 o'clock.

A message was received from the Governor by Mr. DAVIS, Secretary of Civil and Military Affairs, as follows :

Mr. PRESIDENT :

I am directed by the Governor to inform the Senate, that he has this day approved and signed bills originating in the Senate of the following titles, viz :

(S. 73.) An Act in addition to, and in amendment of an

Act entitled : An Act to incorporate the Vermont and Canada Railroad Company, approved October 31, 1845.

(S. 76.) An Act in addition to an Act in amendment of an Act incorporating the Village of Bennington.

(S. 83.) An Act to provide for reconstructing the Cells of the State Prison and making repairs.

(S. 87.) An Act in amendment of an Act incorporating the New England Pottery Company.

On motion of Mr. WILDER,

The Senate Adjourned.

FRIDAY MORNING, NOVEMBER 19.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

(S. 112.) Mr. RAYMOND, introduced a bill entitled : An Act in addition to an Act relating to Uniform Militia Companies, approved October 28th, 1857, which was read twice and referred to the Committee on Printing.

Mr. SMITH, for the Committee on Banks, to which was referred the Resolution directing inquiry in regard to the State Bank, located at Montpelier, made a written Report* to the Senate, which was, on motion of Mr. Chittenden, laid on the table.

(S. 113.) Mr. STARK, introduced a bill entitled : An Act in additon to, and in amendment of Chapter 116 of the Compiled Statutes relating to Salaries and Fees, which was read twice and referred to the Committee on Printing.

Engrossed bills of the following titles, were severally read the third time, and passed.

*See Appendix.

(S. 94.) An Act relating to Highway Surveyors and Street Commissioners.

(S. 101.) An Act to pay Walter C. Stevens, the sum therein mentioned.

(S. 105.) An Act to incorporate the Caledonia County Mutual Fire Insurance Company.

(S. 35.) The engrossed bill entitled : An Act to pay Jacob Edgerton the sum therein mentioned, was read the third time.

Mr. EVERTS, moved that the bill be committed to a Senator with instructions to amend by striking out of Section 1, the words "and in attempting to recapture Jonathan Nichols."

Which motion was agreed to, and the bill was committed to Mr. EVERTS to amend accordingly, who reported the same amended as directed.

And the question being—Shall the bill pass?

It was decided in the affirmative : { Yeas 15.
Nays 12.

The Yeas and Nays being demanded by Mr. FRENCH of Windsor, were taken and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, BILL, BILLINGS, CHADWICK, CLARKE, DAVIS, EVERTS, GLEED, HARRIS, NICHOLSON, POLAND, PUTNAM, RUMSEY, SMITH, and STARK.—15.

Those Senators who voted in the negative, are

Messrs. BUTLER, CHITTENDEN, FRENCH of Essex, FRENCH of Windsor, MASON, NASH, PHELPS, RAYMOND, WEAD, WILDER, WILSON, and WORKINGTON.—12.

So said bill passed.

(S. 110.) Engrossed bill entitled: An Act to incorporate the St. Johnsbury Cornet Band, was read the third time and passed.

(H. 171.) House bill entitled : An Act to correct an error in the Grand List of the Town of Brandon, and for the relief of said Town, was read twice and referred to the Committee on Land Taxes.

(H. 192.) House bill entitled : An Act to enlarge the powers of the Montpelier Union District, was read twice and referred to the Committee on Education.

(H. 255.) House bill entitled : An Act to restore Charles H. Brown, Alfred Peters, Edward Parker, Wait Brown, and Peter Mayo to their Legal Rights and Privileges, was read twice and referred to the General Committee.

The following Joint Resolution from the House, was read and adopted in concurrence, viz :

Resolved, By the Senate and House of Representatives, That the two Houses meet in Joint Assembly, on Tuesday the 23d, inst., at 10 o'clock A.M., for the purpose of hearing further Report of the Canvassing Committee on County and Probate District Officers, and to elect any such Officers necessary.

A message was received from the House by Mr. BIGELOW, Assistant Clerk, as follows :

MR. PRESIDENT :

The House have passed bills of the following titles :

(H. 148.) An Act in addition to Chapter Thirty-two of the Compiled Statutes.

(H. 178.) An Act to provide for the Changing of Names.

(H. 159.) An Act to annex a part of the Town of Sheffield to the Town of Barton.

(H. 229.) An Act for the relief of Trustees in Cases therein mentioned.

(H. 238.) An Act in addition to Chapter Five of the Compiled Statutes, relating to the Promulgation of the Statutes and Legislative Journals.

(H. 268.) An Act in addition to Chapter Twenty-one of the Compiled Statutes, entitled : "Instruction to the Deaf and Dumb and the Blind."

In the passage of which I am directed to request the concurrence of the Senate.

The House have passed in concurrence with the Senate, a bill of the following title :

(S. 88.) An Act to incorporate the Vermont Soap Stone Company.

The House do not concur with the Senate in the passage of bills entitled :

(S. 23.) An Act to pay Lorenzo Janes, the sum therein named.

(S. 41.) An Act to repeal an Act entitled: An Act to authorize the business of Banking, approved Nov. 17, 1851.

(S. 58.) An Act in addition to the Laws regulating Trustee Process.

(S. 114.) Mr. BUTLER, introduced a bill entitled : An Act to provide for the running of the Vermont and Canada Rail Road in case of its failure to comply with the provisions of an Act entitled an Act in addition to, and in amendment of an Act entitled an Act to incorporate the Vermont and Canada Rail Road Company, approved Oct. 31, 1845, which was read twice and referred to the Committee on Printing.

Mr. HATCH for the said Committee, reported back the bill, and recommended that three hundred copies be printed, said bill was laid on the table, and three hundred copies ordered to be printed.

(S. 11.) The bill entitled : An Act relating to Fugitives from service, being the special order Saturday last at — o'clock P.M., was taken up, and on motion of Mr. EVERTS, was again laid on the table.

Mr. BARTHOLOMEW, called up the Joint Resolution from the House, providing for the adjournment of the General Assembly on the 26th, inst., (Friday,) and the same was there-upon adopted in concurrence.

(S. 6.) Mr. EVERTS, called up the bill entitled : An Act for the relief of the St. Albans Bank, the special order for yesterday morning at 11 1-2 o'clock, pending the consideration of which.

On motion of Mr. CHITTENDEN,

The Senate Adjourned.

AFTERNOON.

(S. 99.) Mr. STARK, for the Committee on the Judiciary, to which was referred the bill entitled: An Act relating to Minors and Married Women, reported the same without amendment, and recommended its passage.

Ordered, That the bill be engrossed and read the third time to-morrow morning.

(S. 96.) Mr. CHITTENDEN, for the Committee on the Judiciary, to which was referred the bill entitled: An Act in relation to actions of Ejectment, Trespass and Trespass on the Case, reported the same without amendment, and recommended its passage.

On motion of Mr. DAVIS, the bill was laid on the table.

Mr. BARTHOLOMEW, for the Committee under the fourth Joint Rule, to which was referred the Communication from the Executive relative to the State Library, and the Report of the Trustees thereof, reported the same back to the Senate, and asked that said Committee be discharged from further consideration thereof.

The Senate granted the request of the Committee, and the Report of said Trustees was thereupon referred to the Committee on the Library.

(S. 112.) Mr. CHADWICK, for the Committee on Printing to which was referred the bill entitled: An Act in addition to an Act relating to Uniform Militia Company, reported adverse to the printing thereof, and the same was referred to the Committee on Military Affairs.

(H. 255.) Mr. WORTHINGTON, for the General Com-

mittee, to which was referred the bill entitled: An Act to restore Charles H. Brown, Alfred Peters, Edward Parker, Wait Brown and Peter Mayo, to their Legal Rights and Privileges, reported the same and recommended its passage.

Ordered, That the bill be read the third time to-morrow morning.

(H. 195.) Mr. NICHOLSON, for the General Committee, to which was referred the bill entitled: An Act in addition to Chapter Forty-five of the Compiled Statutes, reported the same and recommended its passage, and the bill was read the third time and passed.

Mr. EVERTS, for the Committee on Finance, to which was referred the Resolution of Senator Clarke, relative to the Figure upon the Dome of the State House, reported the same, and recommended its adoption, whereupon the Resolution was adopted.

(S. 111.) Mr. BARTHOLOMEW, for the Committee on Finance, to which was referred the bill entitled: An Act making an appropriation for rebuilding the State House, reported the same without amendment, and recommended its passage.

Ordered, That the bill be laid on the table and made the special order for to-morrow morning at ten o'clock.

(S. 95.) Mr. BUTLER, called up the bill entitled: An Act in addition to an Act entitled an Act authorizing the Selectmen of the several Towns to establish Fire Districts in certain cases, approved November 11, 1854, and the question being, on the amendment proposed by the General Committee, which was to strike out the words "Prudential Committee," in Sec. 1 line 7, also in line 12, and insert "Chief Engineer, said amendment was adopted, and the bill ordered to be engrossed and read the third time to-morrow morning.

(S. 86.) Mr. CHITTENDEN, called up the bill entitled: An Act to provide for Perpetuating Testimony in Criminal Cases, and in addition to Chapter 34 of the Compiled Statutes, and the same was

Ordered, To be engrossed and read the third time to-morrow morning.

(H. 201.) Mr. CLARKE, for the Committee on Education, to which was referred the bill from the House entitled: An Act fixing an uniform time for holding the Annual School Meetings of the several School Districts in this State, reported the same, with certain proposals of amendment, and with the opinion, that the bill, if amended as proposed, ought to pass.

Said amendments were thereupon adopted.

Mr. BUTLER, moved that the Senate propose to the House to amend by striking out the words "on the last Tuesday," and insert "in the month" in the first Section of the bill.

Which motion was disagreed to.

Mr. NASH, moved that the bill be laid on the table.

Which motion was disagreed to.

Mr. NASH, moved that the vote rejecting the amendment proposed by Mr. BUTLER, be reconsidered.

Which motion was disagreed to.

And the question being—Shall the bill be read the third time?

It was decided in the affirmative : $\left\{ \begin{array}{l} \text{Yeas 15.} \\ \text{Nays 11.} \end{array} \right.$

The Yeas and Nays being demanded by Mr. HARRIS, were taken and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BILLINGS, CHADWICK, CLARKE, FRENCH of Essex, FRENCH, of Windsor, GLEED, HATCH, MASON, PHELPS, PUTNAM, RAYMOND, SMITH, STARK, WEAD, and WILDER.—15.

Those Senators who voted in the negative, are

Messrs. BILL, BUTLER, CHITTENDEN, DAVIS, EVERTS, HARRIS, NASH, NICHOLSON, POLAND, RUMSEY, and WILSON.—11.

So said bill was read the third time.

On motion of Mr. EVERTS, the bill was laid on the table.

(H. 40.) Mr. NICHOLSON, for the General Committee, to

which was referred House bill entitled: An Act for the 'enlargement of Burial Grounds, reported the same, with the following proposal, to wit:

That the Senate propose to the House to amend the bill by adding thereto after the fifth Section,

Sec. 6. Nothing in this Act combined, shall be construed to authorize the acquiring of any land for the purpose of the Enlargement or Establishment of any Burying Ground, so as to bring the same nearer than twenty rods to any Dwelling House.

And with the opinion that the bill if so amended, ought to pass.

Said amendment was adopted, and the bill thereupon read the third time and passed in concurrence with proposal of amendment.

(S. 113.) Mr. HATCH, for the Committee on Printing, to which was referred the bill entitled: An Act in addition to, and in amendment of Chapter 116 of the Compiled Statutes relating to Salaries and Fees, reported the same, and recommended that three hundred copies be printed, and the bill was laid on the table and three hundred copies ordered to be printed.

(S. 112.) Mr. MASON, for the Committee on Military, Affairs, to which was referred the bill entitled: An Act in addition to an Act relating to Uniform Militia Companies, approved October 28, 1857, reported the same without amendment and recommended its passage.

Ordered, That the bill be engrossed and read the third time to-morrow morning.

House bills were severally read twice and referred as follows:

(H. 148.) An Act in addition to Chapter 32 of the Compiled Statutes—to the Committee on the Judiciary.

(H. 159.) An Act to annex a part of the Town of Sheffield to the Town of Barton—to the General Committee.

(H. 178.) An Act to provide for the Changing of Names—to the Committee on the Judiciary.

(H. 229.) An Act for the relief of Trustees in Cases therein mentioned—to the Committee on the Judiciary.

(H. 238.) An Act in addition to Chapter five of the Compiled Statutes, relating to the promulgation of the Statutes and Legislative Journals—to the Committee on the Judiciary.

(H. 268.) An Act in addition to Chapter twenty-one of the Compiled Statutes entitled : Instructions to the Deaf and Dumb and the Blind—to the Committee on Education.

(S. 6.) The bill entitled : An Act for the relief of St. Albans Bank, was taken up for consideration.

Mr. BUTLER, moved that the bill be laid on the table, and made the special order for Monday morning at 11 o'clock.

Which motion was disagreed to.

And the question being—Shall the bill be engrossed and read the third time.

It was decided in the affirmative : $\left\{ \begin{array}{l} \text{Yeas 16.} \\ \text{Nays 11.} \end{array} \right.$

The Yeas and Nays being demanded by Mr. CLARKE, were taken and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BILLINGS, DAVIS, EVERTS, FRENCH of Essex, FRENCH of Windsor, GLEED, HATCH, MASON, PHELPS, POLAND, PUTNAM, RAYMOND, SMITH, STARK, WEAD, and WILSON.—16.

Those Senators who voted in the negative, are

Messrs. BARTHOLOMEW, BILL, BUTLER, CHADWICK, CHITTENDEN, CLARKE, HARRIS, NASH, NICHOLSON, RUMSEY, and WILDER.—11.

So the bill was ordered to be engrossed and read the third time.

Mr. CHITTENDEN, moved that the bill be read the third time on Monday morning next.

Which motion was disagreed to.

Whereupon it was *ordered*, That the bill be read the third time to-morrow morning.

(S. 7.) Mr. GLEED, called up the bill entitled : An Act in relation to Depositions.

And on motion of Mr. CHITTENDEN, it was again ordered to lie.

(S. 89.) The bill entitled : An Act exempting Musical Instruments from Attachment and Levy on Execution, was taken up and ordered to be engrossed, and read the third time to-morrow morning.

(S. 37.) The bill entitled : An Act relating to proceedings upon Executions, was taken up, and on motion of Mr. CHITTENDEN, again laid on the table.

(S. 11.) Mr. CHITTENDEN, called up the bill entitled : An Act relating to Fugitives from Service.

Mr. FRENCH of Windsor, moved that the bill be indefinitely postponed.

And the question being—Shall the bill be indefinitely postponed ?

It was decided in the affirmative: { Yeas 19.
 { Nays 8.

The Yeas and Nays being demanded by Mr. FRENCH of Essex, were taken and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BILL, BILLINGS, BUTLER, CHITTENDEN, CLARKE, EVERTS, FRENCH of Essex, FRENCH, of Windsor, GLEED, HARRIS, HATCH MASON, NASH, PHELPS, RUMSEY, RAYMOND, SMITH, STARK and WILSON.—19.

Those Senators who voted in the negative, are

Messrs. BARTHOLOMEW, CHADWICK, DAVIS, NICHOLSON, POLAND, PUTNAM, WILDER and WORTHINGTON.—8.

So said bill was indefinitely postponed.

(S. 114.) The bill entitled : An Act to provide for the running of the Vermont and Canada Rail Road in case of its failure to comply with the provisions of an Act entitled an Act in addition to, and in amendment of an Act entitled an Act to incorporate the Vermont and Canada Rail Road Company, approved October 31, 1845, was taken up and referred to the Committee on Roads.

Mr. RAYMOND, for the Committee on bills, reported that said Committee have this day examined and presented to the Governor for his approval and signature, bills originating in the Senate of the following titles, viz :

Senate Bill 36. An Act relating to Highways.

Senate Bill 88. An Act to incorporate the Vermont Soap-Stone Company.

On motion of Mr. ERENCH of Essex,

The Senate Adjourned.

SATURDAY MORNING, NOVEMBER, 20.

Prayer by the Chaplain.

The Journal of yesterday was read, corrected and approved.

A message was received from the House by Mr. WILLIAMS, Assistant Clerk, as follows :

Mr. PRESIDENT :

The Governor has announced to the House that he has approved and signed bills originating in the House of the following titles :

(H. 90.) An Act to incorporate the Female Collegiate Institute at Springfield.

(H. 135.) An Act to pay Wiliam Houghton the sum therein mentioned.

(H. 149.) An Act in alteration of Section Thirty-two of Chapter Fifteen of the Compiled Statutes.

(H. 174.) An Act to incorporate the Quechee Hotel Company.

(H. 185.) An Act to pay Sabin P. Morse, the sum therein named.

(H. 193.) An Act in amendment of an Act incorporating the Vermont Asylum for the Insane.

(H. 210.) An Act to pay Lovel Leach the sum therein mentioned.

The House have considered the amendments proposed by the Senate to House bills entitled :

(H. 210.) An Act relating to Common Schools.

(H. 40.) An Act entitled : An Act for the enlargement of Burial Grounds.

And have resolved to concur therein.

The House have passed in concurrence with the Senate a bill entitled :

(S. 27.) An Act in amendment of Chapter one hundred and sixteen of the Compiled Statutes, entitled : "Salaries and Fees," with certain proposals of amendment.

In the adoption of which I am directed to request the concurrence of the Senate.

The House have passed bills of the following titles :

(H. 98.) An Act to pay D. S. Church the sum therein mentioned.

(H. 141.) An Act incorporating a Uniform Company of Infantry in the town of Montpelier.

(H. 190.) An Act in addition to the several Statutes now in force relating to the Militia.

(H. 256.) An Act to incorporate the Ethan Allen Fire Engine Company, Number Four of Burlington.

In the passage of which bills I am directed to request the concurrence of the Senate.

(S. 115.) Mr. STARK, introduced a bill entitled : An Act in relation to the Salary of Quarter Master General, and Adjutant and Inspector General, which was read twice and referred to the Committee on Printing.

(S. 116.) Mr. CHITTENDEN, introduced a bill entitled : An Act relating to Banks, which was read twice and referred to the Committee on Printing.

(S. 117.) Mr. BUTLER, introduced a bill entitled : An Act to incorporate the Ball Mountain Manufacturing Company,

which was read twice and referred to the Committee to Manufactures.

(S. 118.) Mr. FRENCH of Essex, introduced a bill entitled : An Act to incorporate the Island Pond Copper Mining Company, which was read twice and referred to the Committee on Manufactures.

(H. 192.) Mr. CLARKE, for the Committee on Education to which was referred House bill entitled : An Act to enlarge the powers of the Montpelier Union District, reported the same and recommended its passage.

The bill was thereupon read the third time and passed in concurrence.

(S. 119.) Mr. EVERTS, introduced a bill entitled : An Act to incorporate the Rutland Academy of Music, which was read twice, and referred to the Committee on Education.

(S. 114.) Mr. BUTLER, for the Committee on Roads, to which was referred the bill entitled : An Act to provide for the running of the Vermont and Canada Rail Road, in case of its failure to comply with the provisions of an Act entitled : An Act in addition to, and in amendment of an Act entitled An Act to incorporate the Vermont & Canada Rail Road Company, approved October 31, 1845, reported the same, with certain amendments thereto, and with the opinion, that said bill if amended as proposed, ought to pass.

On motion of Mr. GLEED,

Ordered, That the bill be laid on the table and made the special order for Monday morning next at 11 o'clock.

(S. 116.) Mr. HATCH, for the Committee on Printing, to which was referred the bill entitled : An Act relating to Banks, reported the same, and recommended that three hundred copies be printed.

Ordered, That the bill be laid on the table and printed.

(S. 89.) The engrossed bill entitled : An Act Exempting Musical Instruments from Attachment and Levy on Executions, was read the third time.

Mr. NICHOLSON, moved that the bill be committed to a Senator with instructions to amend the same by striking out

in Section 1, line 4, the words, "in all cases where said Instrument or Instruments are used by any person in practicing or teaching music, or where said Instrument or Instruments were not purchased by or with the debtor's property.

Which motion was disagreed to.

And the question being—Shall the bill pass?

It was decided in the affirmative : { Yeas 14.
Nays 9.

The Yeas and Nays being demanded by Mr. HARRIS, were taken, and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BILLINGS, CHADWICK, CHITTENDEN, CLARKE, DAVIS, EVERTS, FRENCH, of Windsor, HATCH, MASON, RUMSEY, STARK, TUTTLE, WEAD and WILSON.—14.

Those Senators who voted in the negative, are

Messrs. BILL, FRENCH of Essex, HARRIS, NICHOLSON, PUTNAM, RAYMOND, SANFORD, WILDER and WORTHINGTON.—9.

So said bill passed.

Mr. CHITTENDEN, moved that the vote just taken be reconsidered.

And the question being—Shall the vote be reconsidered?

It was decided in the negative : { Yeas 9.
Nays 14.

The Yeas and Nays being demanded by Mr. HARRIS, were taken, and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BILL, FRENCH of Essex, HARRIS, NICHOLSON, PUTNAM, RAYMOND, SANFORD, WILDER and WORTHINGTON.—9.

Those Senators who voted in the negative, are

Messrs. BILLINGS, CHADWICK, CHITTENDEN, CLARKE, DAVIS, EVERTS, FRENCH of Windsor, HATCH, MASON, RUMSEY, STARK, TUTTLE, WEAD and WILSON.—14.

So said motion to reconsider was disagreed to.

(S. 6.) The engrossed bill entitled: An Act for the relief of the St. Albans Bank, was read the third time.

And the question being—Shall the bill pass?

It was decided in the affirmative : } Yeas, 14,
 } Nays, 12.

The Yeas and Nays being demanded by Mr. CHITTENDEN, were taken, and are as follows :

Those Senators who voted in the affirmative, are

Messrs. DAVIS, EVERTS, FRENCH of Essex, FRENCH of Windsor, GLEED, HATCH, MASON, PHELPS, POLAND, PUTNAM, RAYMOND, STARK, WEAD and WILSON.—14.

Those Senators who voted in the negative, are

Messrs. BILL, BILLINGS, BUTLER, CHADWICK, CHITTENDEN, CLARKE, HARRIS, NASH, NICHOLSON, RUMSEY, SANFORD and WILDER.—12.

So said bill passed.

Mr. WILSON, moved that the vote just taken be reconsidered.

And the question being—Shall the vote be reconsidered.

It was decided in the negative: { Yeas 12.
Nays 14.

The Yeas and Nays being demanded by Mr. CLARKE, were taken and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BILL, BILLINGS, BUTLER, CHADWICK CHITTENDEN, CLARKE, HARRIS, NASH, NICHOLSON, RUMSEY, SANFORD and WILDER.—12.

Those Senators who voted in the negative, are

Messrs. DAVIS, EVERTS, FRENCH of Essex, FRENCH of Windsor, GLEED, HATCH, MASON, PHELPS, POLAND PUTNAM, RAYMOND, STARK, WEAD and WILSON.—14.

So said motion was disagreed to.

On motion of Mr. CHITTENDEN.

The Senate Adjourned.

AFTERNOON.

(S. 111.) Mr. BARTHOLOMEW, called up the bill entitled: An Act making an appropriation for rebuilding the State House, and moved that the same be made the special order for two and one half o'clock P. M. on Monday next.

Which motion was agreed to.

(S. 120.) Mr. CHITTENDEN, introduced a bill entitled: An Act to pay the town of Burlington the sum therein mentioned, which was read twice, and referred to the Committee on Claims.

(H. 171.) Mr. PHELPS, for the Committee on Land Taxes, to which was referred the bill from the House entitled: An Act to correct an error in the Grand List of the town of Brandon, and for the relief of said town, reported the same without amendment and recommended its passage, and the bill was read the third time and passed.

(S. 91.) Mr. CHITTENDEN, for the Committee on the Judiciary to which was referred the bill entitled: An Act in relation to Trustees, reported the same and with the opinion that the bill ought not to pass.

The third reading of said bill was refused.

(H. 148.) Mr. CHITTENDEN, for the Committee on the Judiciary, to which was referred House bill entitled: An Act in addition to Chapter 32 of the Compiled Statutes, reported the same, and with the opinion that the bill ought not to pass.

On motion of Mr. GLEED, the bill was laid on the table.

(S. 107.) Mr. CHITTENDEN, for the Committee on the Judiciary, to which was referred the bill entitled: An Act to

Exempt Highway Taxes, from the operation of the Statute of Limitations, reported the same, without amendment, and recommended its passage.

Said bill was ordered to be engrossed and read the third time on Monday morning next.

(H. 217.) Mr. CHITTENDEN, for the same Committee to which was referred House bill entitled: An Act relative to the election of Town Officers, reported the same without any expression of opinion thereon, and the third reading of said bill was refused.

(H. 138.) Mr. CHITTENDEN, for the same Committee to which was referred House bill entitled: An Act to incorporate the Canaan Aqueduct Company, reported the same, and recommended its passage.

And the question being—Shall the bill pass?

It was decided in the affirmative: { Yeas 24.
 { Nays 3.

The Yeas and Nays being demanded by Mr. WILDER, were taken, and are as follows:

Those Senators who voted in the affirmative, are

Messrs BARTHOLOMEW, BILLINGS, BUTLER, CHADWICK, CHITTENDEN, DAVIS, EVERTS, FRENCH of Essex, FRENCH of Windsor, GLEED, HARRIS, HATCH, MASON, NASH, NICHOLSON, POLAND, PUTNAM, RUMSEY, RAYMOND, STARK, TUTTLE, WEAD, WILSON and WORTHINGTON.—24.

Those Senators who voted in the negative, are

Messrs. BILL, PHELPS and WILDER.—3.

So said bill passed in concurrence.

(H. 178.) Mr. CHITTENDEN, for the Committee on the Judiciary to which was referred House bill entitled: An Act to provide for the Changing of Names, reported the same, and with the opinion that the bill ought not to pass.

The third reading of said bill was thereupon refused.

(H. 229.) Mr. CHITTENDEN, for the same Committee to which was referred House bill entitled: An Act for the relief of

Trustees in cases therein mentioned, reported the same and recommended its passage.

Whereupon the bill was read the third time and passed.

(H. 238.) Mr. CHITTENDEN, for the Committee on the Judiciary to which was referred House bill entitled : An Act in addition to Chapter five of the Compiled Statutes, relating to the Promulgation of the Statutes and Legislative Journals, reported the same, and recommended its passage.

The bill was thereupon read the third time and passed.

Mr. CHITTENDEN, for the same Committee to which was referred the following Resolution.

*“Resolved, That so much of the Governors Message as relates to our laws on the subject of the attachment of property on mes-
ne process, giving priority of lien to the first attaching Creditor
be referred to the Committee on the Judiciary, with instructions to report thereon by bill, or otherwise.”*

Submitted the following report.

To the Senate now in Session :

The Committee on the Judiciary to which the foregoing Resolution was referred, report that they have considered said Resolution, and are of opinion that it is not expedient to Legislate at the present Session, in relation to the subject matter thereof.

L. E. CHITTENDEN, for Committee.

(H. 162.) Mr. WILSON, for the Committee on Claims to which was recommitted the bill entitled : An Act for the relief of Frazer Jenne, reported the same, and on motion of Mr. FRENCH, of Windsor said bill was laid on the table.

(S. 100.) Mr. NICHOLSON, for the General Committee to which was referred the bill entitled : An Act to repeal an Act to authorize the removal of obstructions from the north branch of Onion River and its Tributaries, reported a substituted bill entitled :

(S. 100.) An Act in addition to an Act entitled : An Act to authorize the removal of obstructions from the north branch of Onion River and its Tributaries, approved December 6. 1853.

and also modifying Chapter 93. of the Compiled Statutes, and recommended its passage, said substituted bill was read twice and,

On motion of Mr. WILDER,

Ordered, to be laid on the table, and three hundred copies printed for the use of the Senate.

A message was received from the Governor by Mr. DAVIS, Secretary of Civil and Military affairs, as follows :

Mr. PRESIDENT :

I am directed by the Governor to inform the Senate, that he has this day approved and signed bills originating in the Senate of the following titles, viz :

(S. 36.) An Act relating to Highways.

(S. 88.) An Act to incorporate the Vermont Soap Stone Company.

(H. 159.) Mr. WORTHINGTON, for the General Committee, to which was referred House bill entitled : An Act to annex a part of Sheffield to the Town of Barton, reported the same and recommended its passage, and the bill was read the third time and passed.

(H. 150.) Mr. FRENCH of Essex, for the Committee on Claims, to which was referred House bill entitled : An Act to pay Abijah Miller, the sum therein mentioned, reported the same and recommended its passage.

The bill was thereupon read the third time and passed.

(S. 117.) Mr. HARRIS, for the Committee on Manufactures, to which was referred the bill entitled : An Act to incorporate Ball Mountain Manufacturing Company, reported the same without amendment and recommended its passage.

Ordered, That the bill be engrossed and read the third time.

(S. 65.) Mr. WILSON, for the Committee on Claims, to which was referred the bill entitled : An Act to pay A. B. Gardner, the sum therein mentioned, for services as Bank Commissioner, reported the same with proposed amendment, and with the opinion that the bill if amended as proposed, ought to pass.

On motion of Mr. WILSON, the bill was laid on the table.

(S. 68.) Mr. RUMSEY, for the Committee on Agriculture to which was referred the bill entitled : An Act in addition to, and in amendment of Chapter 99 of the Compiled Statutes, reported the same, and with the opinion that the bill ought not to pass.

On motion of Mr. WILSON, the bill was recommitted to the Committee on Agriculture.

(S. 92.) Mr. FRENCH, of Windsor, for the Committee on the Judiciary, to which was referred the bill entitled : An Act in relation to Costs in Criminal Cases, reported the same, with a proposed amendment and with the opinion that the bill if amended as proposed, ought to pass, amended, adopted and the bill

Ordered, To be engrossed and read the third time on Monday morning next.

Bills from the House were severally read the first and second times and referred as follows :

(H. 256.) An Act to incorporate the Ethan Allen Fire Engine Company, Number Four of Burlington—to the General Committee.

(H. 141.) An Act incorporating a Uniform Company of Infantry in the Town of Montpelier—to the Committee on Military Affairs.

(H. 190. An Act in addition to the several Statutes now in force, relating to the Militia—to the Committee on Military Affairs.

(S. 27.) The amendments proposed by the House to the bill entitled : An Act in amendment of Chapter 116 of the Compiled Statutes entitled "Salaries and Fees," were considered and concurred in.

Bills were severally taken up and referred as follows :

(S. 113.) An Act in addition to, and in amendment of Chapter 116 of the Compiled Statutes relating to Salaries and Fees—to the Select Committee, raised to take into consideration the subject of the Fees of the States' Attorney.

(S. 196.) An Act in addition to Chapter 31, of the Com-

piled Statutes entitled: Process—to the Committee on the Judiciary.

(S. 108.) An Act in addition to Chapter 67 of the Compiled Statutes, relating to Divorce—to the Committee on the Judiciary.

(S. 77.) The bill entitled: An Act in amendment of an Act approved Dec. 6, 1853, entitled: An Act to amend an Act to prevent the Traffic in Intoxicating Liquor for the purpose of Drinking, approved Nov, 23, 1852, was taken up and on motion of Mr. PUTNAM, was laid on the table.

(S. 98.) The bill entitled: An Act in relation to conditional sales of Personal Property, was taken up and on motion of Mr. FRENCH of Windsor, was laid on the table.

(S. 24.) The bill entitled: An Act in relation to Mortgages of Personal Property, was taken up and on motion of Mr. FRENCH of Windsor, was laid on the table.

On motion of Mr. CHITTENDEN,

The Senate Adjourned.

MONDAY MORNING, NOVEMBER 22.

The Senate was called to order by the Secretary.

Prayer by the Chaplain.

The Secretary stated to the Senate the unavoidable absence of the President.

Whereupon the Senate proceeded on motion of Mr. STARK to an election of President *pro tempore*.

And on motion of Mr. EVERTS, the rule requiring the vote to be made by ballot was dispensed with, and the Hon. LUCIUS

E. CHITTENDEN, a member of the Senate from the County of Chittenden, was thereupon unanimously elected President *pro tempore* of the Senate for the year ensuing.

Mr. CHITTENDEN, appeared at the bar of the Senate, the oath required by the constitution was administered to him by the Secretary and he entered upon the duties of his office.

On motion of Mr. WORTHINGTON, the reading of the Journal was dispensed with.

(S. 121.) Mr. STARK, introduced a bill entitled: An Act in addition to the several Acts in regard to the Militia, which was read twice and referred to the Committee on Printing.

(S. 122.) Mr. POLAND, introduced a bill entitled: An Act to pay Stillman Churchill, the sum therein mentioned, which was read twice and referred to the Committee on Claims.

(H. 268.) Mr. CLARKE, for the Committee on Education to which was referred House bill entitled: An Act in addition to Chapter twenty-one of the Compiled Statutes, entitled Instruction to the Deaf and Dumb and the Blind, reported the same and recommended its passage.

Said bill was thereupon read the third time and passed.

Engrossed bills were severally read the third time and passed, as follows:

(S. 117.) An Act to incorporate the Ball Mountain Manufacturing Company.

(S. 92.) An Act in relation to Costs in Criminal Cases.

(S. 107.) An Act to Exempt Highways from the operation of the Statute of Limitations.

(S. 95.) An Act in addition to an Act entitled: An Act authorizing the Selectmen of the several Towns, to establish Fire Districts in certain cases, approved Nov. 11, 1854.

(S. 86.) An Act to provide for Perpetuating Testimony in Criminal Cases, and in addition to Chapter 34 of the Compiled Statutes.

(S. 112.) An Act in addition to an Act relating to Uniform Militia Companies, approved October 28, 1857.

(S. 99.) An Act relating to Minors and Married Women

(H. 255.) House bill entitled: An Act to restore Charles H. Brown, Alfred Peters, Edward Parker, Wait Brown, and Peter Mayo, to their legal rights and privileges, was read the third time and passed.

(S. 27.) Mr. STARK, moved that the vote by which the Senate, on Saturday last, concurred in the amendments proposed by the House to the bill entitled: An Act in amendment of Chapter 116 of the Compiled Statutes, entitled Salaries and Fees, be reconsidered.

Which motion was disagreed to.

(S. 81.) Mr. STARK, called up the bill entitled: An Act relating to Slavery and Involuntary Servitude in this State, and the question being on the amendment heretofore proposed by the General Committee.

Mr. FRENCH of Essex, moved that the bill be indefinitely postponed.

And the question being—Shall the bill be indefinitely postponed.

It was decided in the negative: { Yeas 1.
 { Nays 26.

The Yeas and Nays being demanded by Mr. BARTHOLOMEW, were taken and are as follows:

The Senator who voted in the affirmative, is

Mr. FRENCH of Essex.

Those Senators who voted in the Negative, are

Messrs. BARTHOLOMEW, BILL, BILLINGS, BUTLER, CHADWICK, CHITTENDEN, CLARKE, DAVIS, EVERTS, FRENCH of Windsor, GLEED, HARRIS, HATCH, MASON, NASH, NICHOLSON, PHELPS, POLAND PUTNAM, RUMSEY, RAYMOND, SANFORD, SMITH, STARK, TUTTLE, WEAD, WILDER, WILSON, and WORTHINGTON.—26.

So said bill was not indefinitely postponed.

The question recurring on the first amendment proposed by the Committee, which was to strike out

"SEC. 1. Any Person who shall bring within this State any other Person, held as a Slave, by Law or Usage, in any other of the United States, with intent to hold such other Person in

servitude within this State, or shall, within this State, restrain such other person, of his or her liberty, or shall assert or maintain, or attempt to maintain, any claim or property, in such other person, such Person so offending shall be deemed to be guilty of a Felony, and shall, on conviction thereof, be punished by imprisonment in the State Prison, not more than ten years, nor less than five years, and by fine not exceeding five thousand dollars."

And the question being—Shall the amendment be adopted.

It was decided in the negative: $\left\{ \begin{array}{l} \text{Yeas } 1. \\ \text{Nays } 26. \end{array} \right.$

The Yeas one Nays being demanded by Mr. FRENCH, of Windsor, were taken, and are as follows :

The Senator who voted in the affirmative, is
Mr. FRENCH of Essex.

Those Senators who voted in the negative, are

Messrs. BARTHOLOMEW, BILL, BILLINGS, BUTLER, CHADWICK, CHITTENDEN, CLARKE, DAVIS, EVERTS, FRENCH of Windsor, GLEED, HARRIS, HATCH, MASON, NASH, NICHOLSON, PHELPS POLAND, PUTNAM, RUMSEY, RAYMOND, SANFORD, SMITH, STARK, TUTTLE, WEAD, WILDER, WILSON and WORTHINGTON.—26.

So said amendment was rejected.

The remaining amendment recommended by the Committee which was to strike out of Sec. 2, line nine, the words "nor less than five years," was thereupon adopted.

Mr. NICHOLSON, moved further to amend by striking out of line six in Sec. 1, the words, "assert or."

Which motion was agreed to.

Mr. EVERTS, moved further to amend by striking out of the first line of Sec. 2, the words, "within this State."

Which motion was agreed to.

Mr. EVERTS, moved further to amend the bill in Sec. 2, line four, after the word *person*, insert the words "by holding such other person to service or labor within this State."

Which motion was agreed to.

Mr. FRENCH of Essex, moved a further amendment by

striking out of line eleven in Sec. 1, the word "and," and insert the word "or."

Which motion was disagreed to.

And the question being—Shall the bill be engrossed and read the third time?

It was decided in the affirmative: { Yeas 27.
 { Nays 1.

The Yeas and Nays being demanded by Mr. FRENCH of Windsor, were taken, and are as follows:

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, BILL, BILLINGS, BUTLER, CHADWICK, CHITTENDEN, CLARKE, DAVIS, EVERTS, FRENCH of Windsor, GLEED, HARRIS, HATCH, MASON, NASH, NICHOLSON, PHELPS, POLAND, PUTNAM, RUMSEY, RAYMOND, SANFORD, SMITH, STARK, TUTTLE, WEAD, WILDER, WILSON, and WORTHINGTON.—27.

The Senator who voted in the negative, is

Mr. FRENCH of Essex.

So said bill was ordered to be engrossed and read the third time to-morrow morning.

A message was received from the House by Mr. BIGELOW, Assistant Clerk:

Mr. PRESIDENT:

The House have passed bills of the following titles:

(H. 153.) An Act to amend Sec. 10 of Chapter Twenty-three of the Compiled Statutes.

(H. 236.) An Act to incorporate the Rutland Gas Light Company.

(H. 273.) An Act to incorporate the Phoenix Slate Company.

(H. 275.) An Act to incorporate the Windsor Water Company.

(H. 278.) An Act in amendment of Section Thirty-four, Chapter one of the Compiled Statutes entitled "Elections."

In the passage of which I am directed to request the concurrence of the Senate.

The House have considered the Joint Resolution relating to the Figure on the Dome of the State House.

And have resolved to concur therein.

(S. 114.) The bill entitled : An Act to provide for the running of the Vermont and Canada Rail Road in case of its failure to comply with the provisions of an Act entitled an Act in addition to, and in amendment of an Act entitled an Act to incorporate the Vermont and Canada Rail Road Company, approved October 31, 1845, being the special order for this morning at 10 o'clock, was taken up and on motion of Mr. Davis, again laid on the table, and made the special order for this afternoon at two o'clock.

(S. 77.) Mr. FRENCH of Windsor, called up the bill entitled : An Act in amendment of an Act approved Dec. 6, 1853, entitled : An Act to amend an Act to prevent the traffic in Intoxicating Liquors for the purpose of drinking, approved November 23, 1852.

Mr. STARK, moved that the bill be again laid on the table.

Which motion was disagreed to.

And the question being—Shall the bill be engrossed and read the third time?

It was decided in the affirmative : { Yeas 14.
 { Nays 11.

The Yeas and Nays being demanded by Mr. NICHOLSON, were taken and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BILL, DAVIS, GLEED, MASON, NICHOLSON, PHELPS, POLAND, RUMSEY, RAYMOND, SANFORD, TUTTLE, WEAD, WILDER and WORTHINGTON.—14.

Those Senators who voted in the negative, are

Messrs. BILLINGS, BUTLER, CLARKE, EVERTS, FRENCH of Essex, FRENCH of Windsor, HARRIS, HATCH, NASH, STARK and WILSON.—11.

So said bill was ordered to be engrossed and read the third time to-morrow morning.

Bills from the House were severally read twice and referred as follows :

(H. 98.) An Act to pay D. L. Church, the sum therein mentioned—to the Committee on Claims.

(H. 278.) An Act in amendment of Section 34, Chapter one of the Compiled Statutes, entitled Elections—to the Committee on Elections.

(H. 236.) An Act to incorporate the Rutland Gas Light Company—to the Committee on Manufactures.

(H. 275.) An Act to incorporate the Windsor Water Company,—to the General Committee.

(H. 273.) An Act to incorporate the Phoenix Slate Company—to the Committee on Manufactures.

(H. 153.) An Act to amend Section ten of Chapter twenty-three of the Compiled Statutes—to the Committee on Roads.

(S. 123.) Mr. FRENCH of Windsor, introduced a bill entitled: An Act in amendment of an Act, approved December 6, 1853, entitled: An Act to amend an Act to prevent the traffic in Intoxicating Liquors for the purpose of Drinking, approved November 23, 1852, which was read twice and referred to the Committee on Printing.

On motion of Mr. NASH,

The Senate Adjourned.

AFTERNOON.

(H. 222.) Mr. NASH, for the Committee on Education, to which was referred House bill entitled: An Act in amendment of an Act entitled an Act in amendment of, and in addition to an Act to incorporate the Barre Academy, reported the same, and recommended its passage, and the bill was read the third time and passed.

(S. 123.) Mr. HATCH, for the Committee on Printing, to which was referred the bill entitled: An Act in amendment of an Act approved December 6, 1853, entitled: An Act to amend an Act to prevent the traffic in Intoxicating Liquors, for the purpose of Drinking, approved November 23, 1852, reported adverse to the printing thereof, and the same was referred to the Committee on the Judiciary.

(S. 115.) Mr. POLAND, for the same Committee to which was referred the bill entitled: An Act in relation to the Salary of Quarter Master General and Adjutant and Inspector General reported adverse to the printing thereof, and the same was referred to the Committee on Military Affairs.

(H. 256.) Mr. WORTHINGTON, for the General Committee, to which was referred House bill entitled: An Act to incorporate the Ethan Allen Fire Engine Company, reported the same, and recommended its passage.

Said bill was thereupon read the third time and passed.

(S. 4.) Mr. WORTHINGTON, for the same Committee to which was referred the bill entitled: An Act repealing Section one of an Act approved November 11th, 1857, entitled An Act in alteration of, and in addition to Chapter 78 of the Compiled

Statutes, entitled Pedlars, reported the same, and with the opinion that it ought not to pass.

Ordered, That the bill be laid on the table.

(S. 121.) Mr. HATCH, for the Committee on Printing to which was referred the bill entitled: An Act in addition to the several Acts in respect to the Militia, reported adverse to the printing thereof, and the same was referred to the Committee on Military Affairs.

Mr. WORTHINGTON, for the Joint Committee on the Library, to which was referred the report of the Trustees of the State Library, made report thereon by bill, entitled:

(S. 124.) An Act to enforce certain rules of the Vermont State Library, which was read twice, and ordered to be engrossed and read the third time to-morrow afternoon.

Mr. DAVIS, for the Committee on Banks to which was referred the Resolution of made report
thereon, by bill entitled:

(S. 125.) An Act relating to Banks, which was read twice, and on motion of Mr. BUTLER, laid on the table and three hundred copies ordered to be printed.

(S. 118.) Mr. HARRIS, for the Committee on Manufactures to which was referred the bill entitled: An Act to incorporate the Island Pond Copper Mining Company, reported the same, without amendment, and recommended its passage.

Ordered, That the bill be engrossed and read the third time to-morrow morning.

(H. 273.) Mr. HARRIS, for the same Committee, to which was referred House bill entitled: An Act to incorporate the Phoenix Slate Company, reported the same, and recommended its passage.

Ordered, That the bill be read the third time to-morrow morning.

(H. 236.) Mr. CHADWICK, for the Committee on Manufactures, to which was referred House bill entitled: An Act to incorporate the Rutland Gas Light Company, reported the same and recommended its passage.

Ordered, That the bill be read the third time to-morrow morning.

(H. 275.) Mr. WORTHINGTON, for the General Committee, to which was referred House bill entitled: An Act to incorporate the Windsor Water Company, reported the same and recommended its passage.

Ordered, That the bill be read the third time to-morrow morning.

(S. 69.) Mr. WORTHINGTON, for the same Committee, to which was referred the bill entitled: An Act relating to Cemetery Associations, reported the same, and with the opinion that said bill ought not to pass.

On motion of Mr. EVERTS,

Ordered, That the bill be laid on the table.

(S. 114.) The bill entitled: An Act to provide for the running of the Vermont and Canada Rail Road in case of its failure to comply with the provisions of an Act in addition to and in amendment of an Act entitled an Act to incorporate the Vermont and Canada Rail Road Company, approved October 31, 1845, being the special order, was taken up, and on motion of Mr. FRENCH of Windsor, again laid on the table.

Mr. MASON, for the Committee on Military Affairs, to which was referred the Annual Report* of the Quarter Master General, reported the same back to the Senate, and it was

Ordered, To be printed in the Appendix, to the Senate Journal.

(S. 7.) Mr. FRENCH of Windsor, called up the bill entitled: An Act in relation to Depositions, the pending question being on the motion of Mr. GLEED, to amend the amendment proposed by the Committee on the Judiciary, heretofore spread upon the Journal, and the amendment to the amendment was rejected.

The question recurring on the amendments proposed by said Committee the same were rejected.

*See Appendix.

Mr. FRENCH of Windsor, moved to amend the bill as follows :

Strike out of original bill, from the 8th and 9th lines of Sec. 1, after the word "state," the words, "and at least ten days when the deponent resides within this State."

Which motion was agreed to.

Mr. EVERTS, moved further to amend the bill by inserting in Sec. 1, line eleven, after the word "evidence," the words, "upon reasonable request of such absence party at any time."

Which motion was disagreed to.

Mr. DAVIS, offered the following amendment to Sec. 1, strike out "upon reasonable request of the absence party, or his Attorney," and insert after the word "Clerk," in the eighth line, "at least ten days before the Session of the Court, before which such Depositions is to be used."

Which was adopted.

Mr. BUTLER, moved further to amend the bill by striking out of Sec. 1, the words in the seventh and eighth lines, "deponent resides," and insert the words, "Deposition is taken."

Which motion was agreed to.

On motion of Mr. EVERTS, the bill was further amended by inserting after the word evidence in Sec. 1, line twelve, the words, "and all other Depositions shall, upon reasonable request of either parties, be filed with the Clerk, and remain subject to the inspection of the absence party."

And the question being stated by the Chair—Shall the bill be engrossed and read the third time?

Mr. WILDER, moved that the bill be indefinitely postponed.

Which motion was disagreed to.

And the bill was thereupon ordered to be engrossed and read the third time to-morrow morning.

(H. 74.) Mr. BUTLER, called up the bill entitled : An Act to incorporate the Connecticut River Mutual Fire Insurance Company, and the question being on the motion of Mr. STARK, to reconsider the vote refusing a third reading of the same.

Said motion was agreed to.

Which motion was disagreed to.

Which motion was disagreed to.

It was decided in the affirmative : { Yeas 21.
Nays 5.

Those Senators who voted in the affirmative, are

Those Senators who voted in the negative, are

So said bill passed in concurrence.

On motion of Mr. BUTLER, it was

(S. 114.) The bill entitled : An Act to provide for the running of the Vermont and Canada Rail Road, in case of its failure to comply with the provisions of an Act entitled an Act in addition to, and in amendment of an Act to incorporate the Vermont and Canada Rail Road Company, approved October 31, 1845, being the special order, was taken up, and the rule requiring engrossment was suspended, and the bill read the third time and passed.

(S. 111.) The bill entitled: An Act making an appropriation for Rebuilding the State House, was taken up.

Mr. EVERTS, offered the following amendment, add to Section 1, "*Provided*, That no part of the money hereby appropriated, shall be applied to the purposes aforesaid, unless the same shall be paid to said Treasurer upon a certain bond mentioned in an Act entitled: An Act to provide for Rebuilding the State House," approved Feb. 27, 1857.

Mr. NICHOLSON, moved to amend said amendment as follows :

"*Provided further*, That hereafter, until the said State House shall be properly finished, the Sessions of the Legislature shall be held at Burlington and Rutland *alternately*, in such suitable buildings as shall be provided for the purpose, without expense to the State.

And on motion of Mr. NASH, the bill, with amendments, was ordered to lie and made the special order for to-morrow afternoon at 2 o'clock.

(S. 20.) Mr. WILSON, called up the bill entitled: An Act relating to proceedings in Suits at Law, and the third reading of said bill was refused.

Mr. FRENCH of Windsor, moved that the Senate Adjourn. Which motion was disagreed to.

A message was received from the House by Mr. WILLIAMS, Assistant Clerk, as follows :

Mr. PRESIDENT :

The House do not concur with the Senate in the passage of bills entitled :

(S. 59.) An Act in amendment of an Act relating to the Homestead, approved Nov. 10, 1857.

(S. 6.) An Act for the relief of the St. Albans Bank.

(S. 84) An Act in amendment of Chapter twenty-two of the Compiled Statutes entitled : Laying out and Discontinuing Highways and Bridges.

On motion of Mr. FRENCH of Windsor,

The Senate Adjourned.

TUESDAY MORNING, NOVEMBER 23.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

A message was received from the House by Mr. BIGELOW, Assistant Clerk, as follows :

Mr. PRESIDENT :

The House have on their part adopted a Joint Resolution providing for a Joint Assembly this afternoon to elect a Brigadier General.

The House have also on their part adopted a Joint Resolution relative to Claims against the State.

In the adoption of which I am directed to request the concurrence of the Senate.

The hour having arrived for a meeting of the Joint Assembly, the Senate repaired to the Hall of the House of Representatives.

And having returned therefrom.

(S. 119.) Mr. CLARKE, for the Committee on Education, to which was referred the bill entitled : An Act to incorporate the Rutland Academy of Music, reported the same without amendment, and recommended its passage.

Ordered, That the bill be engrossed and read the third time to-morrow morning.

(S. 85.) Mr. CHITTENDEN, for the Committee on the Judiciary, to which was referred the bill entitled : An Act relating to process in Civil Cases, reported the same, with proposal of amendment, and with the opinion that the bill, if amended as proposed, ought to pass.

Mr. CLARKE, moved that the bill be laid on the table and made the special order for this afternoon at three o'clock.

Which motion was disagreed to.

The amendment proposed by the Committee was thereupon adopted.

And the question being—Shall the bill be engrossed and read the third time?

It was decided in the negative : { Yeas 9.
Nays 16.

The Yeas and Nays being demanded by Mr. HARRIS, were taken, and are as follows :

Those Senators who voted in the affirmative, are

Messrs. CHITTENDEN, DAVIS, EVERTS, FRENCH of Windsor, HATCH, NASH, POLAND, STARK and TUTTLE.—9.

Those Senators who voted in the negative, are

Messrs. BARTHOLOMEW, BILL, BUTLER, CHADWICK CLARKE, FRENCH of Essex, GLEED, HARRIS, NICHOLSON, PHELPS, PUTNAM, RUMSEY, RAYMOND, SANFORD, WILDER, WILSON and WORTHINGTON.—17

So the engrossment and third reading of said bill was refused.

Joint Resolution from the House was read as follows :

Whereas, A vacancy has occurred in the office of Brigadier General, in the third Brigade, second Division of the Vermont Militia; therefore,

Resolved, *By the Senate and House of Representatives*, That the two Houses meet in Joint Assembly on the twenty-third day of November inst., at two and one half o'clock, P. M., to elect some person to fill said vacancy.

Mr. CHITTENDEN, moved that the Senate propose to the House to amend the same by adding thereto the words "and also to elect a Rail Road Commissioner for the year ensuing."

And the question being—Shall the amendment be adopted?

It was decided in the negative : { Yeas 13.
Nays 16.

The Yeas and Nays being demanded by Mr. BUTLER, were taken and are as follows :

Those Senators who voted in the affirmative, are
Messrs. BILL, BILLINGS, BUTLER, CHITTENDEN,
CLARKE, EVERTS, HARRIS, NASH, NICHOLSON,
PHELPS, RUMSEY, TUTTLE and WILDER.—13.

Those Senators who voted in the negative, are
Messrs. BARTHOLOMEW, CHADWICK, DAVIS,
FRENCH of Essex, FRENCH of Windsor, GLEED, HATCH,
MASON, POLAND, PUTNAM, RAYMOND, SANFORD,
STARK, WEAD, WILSON and WORTHINGTON.—16.

So said amendment was rejected.

On motion of Mr. CHITTENDEN, said Resolution was laid on the table.

Joint Resolution from the House was read as follows :

Resolved, By the Senate and House of Representatives, That the Governor be authorized to appoint one or more Commissioners to hear all Claims referred to the Committee on Claims during the present Session, and not reported on by them. The Commissioners shall notify the State Treasurer of the time and place of hearing, and shall make Report to the next Session of the Legislature. The Treasurer shall employ some person to appear on behalf of the State, and take suitable measures to resist unjust Claims.

On motion of Mr. FRENCH of Windsor, said Resolution was laid on the table.

House bills of the following titles were severally read the third time and passed :

(H. 236.) An Act to incorporate the Rutland Gas Light Company.

(H. 256.) An Act to incorporate the Ethan Allen Fire Engine Company, Number Four of Burlington.

(H. 275.) An Act to incorporate the Windsor Water Company.

(H. 273.) An Act to incorporate the Phœnix Slate Company.

Engrossed bills entitled as follows, were severally read the third time and passed.

(S. 81.) An Act relating to Slavery and Involuntary Servitude in this State.

(S. 7.) An Act in relation to Depositions.

(S. 124.) An Act to enforce certain rules of the Vermont State Library.

(S. 77.) The engrossed bill entitled: An Act in amendment of an Act approved Dec. 6, 1853, entitled: An Act to amend an Act to prevent the traffic in Intoxicating Liquors, for the purpose of Drinking, approved November, 23, 1852, was read the third time.

Mr. CHITTENDEN, moved that the bill be laid on the table.

Which motion was disagreed to.

Mr. NICHOLSON, moved that the bill be committed to a Senator with instructions to amend by inserting the word "knowingly," in line eight of Sec. 1, before the word "suffer."

Which motion was agreed to, and the bill was committed to Mr. NICHOLSON, for that purpose, who reported the same back to the Senate, amended as directed.

And the question being—Shall the bill pass?

It was decided in the negative: { Yeas 5.
Nays 20.

The Yeas and Nays being demanded by Mr. FRENCH of Windsor, were taken, and are as follows:

Those Senators who voted in the affirmative, are

Messrs. GLEED, NICHOLSON, POLAND, WEAD and WILDER.—5.

Those Senators who voted in the negative, are

Messrs. BILL, BILLINGS, BUTLER, CHADWICK, CHITTENDEN, CLARKE, EVERTS, FRENCH of Essex, FRENCH of Windsor, HARRIS, HATCH, NASH, PHELPS, PUTNAM, RUMSEY, SANFORD, STARK, TUTTLE, WILSON and WORTHINGTON.—20.

So the passage of said bill was refused.

(S. 118.) The engrossed bill entitled: An Act to incorporate the Island Pond Copper Mining Company, was read the third time and passed.

On motion of Mr. SANFORD,

The Senate Adjourned.

AFTERNOON.

Mr. PUTNAM, for the Committee on bills, reported that said Committee had this day examined and presented to the Governor for his approval and signature, a bill originating in the Senate of the following title, to wit :

Senate bill No. 27, Entitled: An Act in amendment of Chapter one hundred and sixteen of the Compiled Statutes, entitled "Salaries and Fees."

Also a Joint Resolution relating to the Figure on the Dome of the State House.

(S. 123.) Mr. CHITTENDEN, for the Committee on the Judiciary to which was referred the bill entitled : An Act in amendment of an Act approved Dec. 6, 1853, entitled : An Act to amend an Act to prevent the traffic in Intoxicating Liquors for the purpose of Drinking, approved November 23, 1852, reported the same without amendment, and recommended its passage.

On motion of Mr. WILSON,

Ordered, That the bill be laid on the table.

(H. 57.) Mr. FRENCH of Windsor, for the Committee on the Judiciary, to which was referred House bill entitled : An Act to prevent a failure of Justice in certain Cases, reported the same without amendment, and with the opinion of a majority of the Committee, that the bill ought to pass.

On motion of Mr. CHITTENDEN, the bill was indefinitely postponed.

Mr. CHITTENDEN, moved that the vote just taken, be reconsidered.

Which motion was disagreed to.

(S. 68.) Mr. RUMSEY, for the Committee on Agriculture, to which was recommitted the bill entitled : An Act in addition to, and in amendment of Chapter 99 of the Compiled Statutes reported the same, without any expression of opinion thereon.

On motion of Mr. WEAD,

Ordered, That the bill be laid on the table.

(S. 109.) Mr. DAVIS, for the Committee on Roads, to which was referred the bill entitled : An Act in relation to Highway Taxes, and in addition to Chapter 23 of the Compiled Statutes, reported the same, without amendment, and recommended its passage.

Ordered, That the bill be engrossed and read the third time to-morrow morning.

(H. 153. Mr. BUTLER, for the Committee on Roads, to which was referred House bill entitled : An Act to amend Section ten of Chapter 23, of the Compiled Statutes, reported the same with certain proposal of amendment, and with the opinion, that said bill, if amended as proposed, ought to pass.

The amendment proposed by the Committee was adopted, and the bill passed in concurrence with proposal of amendment.

(S. 108.) Mr. FRENCH of Windsor, for the Committee on the Judiciary, to which was referred the bill entitled : An Act in addition to Chapter 67 of the Compiled Statutes relating to Divorce, reported the same, and with the opinion, that it ought not to pass.

On motion of Mr. DAVIS, said bill was indefinitely postponed.

(S. 51.) Mr. STARK, for the Committee on the Judiciary, to which was referred the bill entitled : An Act in addition to Chapter 112 of the Compiled Statutes relating to County Jails, and the confinement and discharge of Prisoners, reported the same without amendment, and recommended its passage.

Ordered, That the bill be engrossed and read the third time to-morrow morning.

(H. 278.) Mr. RAYMOND, for the Committee on Elections to which was referred House bill entitled : An Act in amend-

ment of Section 34, Chapter one of the Compiled Statutes entitled "Elections," reported to same and recommended its passage, and the bill was read the third time and passed in concurrence.

(S. 64.) Mr. CHITTENDEN, for the Committee on the Judiciary, to which was referred the bill entitled : An Act relating to the collection of Fines and Costs, reported the same without amendment, and recommended its passage.

Mr. NICHOLSON, moved to amend the bill by striking out the words, "and against his body," in Sec. 1, line eight.

Which motion was disagreed to.

Mr. NICHOLSON, moved a further amendment by altering the form given in the bill so as the Writ shall not be issued against the body of the respondent.

Which was disagreed to.

And the question being—Shall the bill be engrossed and read the third time ?

It was decided in the affirmative: { Yeas 19.
 { Nays 4.

The Yeas and Nays being demanded by Mr. NICHOLSON, were taken, and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, BILL, BILLINGS, BUTLER, CHADWICK, CHITTENDEN, CLARKE, EVERTS, FRENCH of Essex, FRENCH of Windsor, GLEED, HARRIS, MASON POLAND, PUTNAM, STARK, WEAD, WILSON and WORTHINGTON.—19.

Those Senators who voted in the negative, are

Messrs. DAVIS, NICHOLSON, RUMSEY and WILDER.—4.

So said bill was ordered to be engrossed and read the third time to-morrow morning

Mr. WILSON, called up the Joint Resolution from the House providing for a meeting of the Joint Assembly to elect a Brigadier General in the third Brigade, Second Division of the Militia.

Said amendment was thereupon adopted.

Which motion was agreed to.

Mr. GLEED, moved that the Resolution be laid on the table.

Which motion was disagreed to.

(S. 103.) Mr. CHITTENDEN, for a majority of the Committee on Roads, to which was referred the bill entitled: An Act repealing certain Acts creating the Office of Rail Road Commissioner, reported the same, and with the opinion that it ought not to pass.

On motion of Mr. CHITTENDEN, the bill was laid on the table.

A message was received from the House by Mr. BIGELOW, Assistant Clerk, as follows :

MR. PRESIDENT :

The House have on their part adopted a Joint Resolution relative to Claims for Pensions and Bounty Lands.

In the adoption of which I am directed to request the concurrence of the Senate.

(S. 111.) The bill entitled : An Act making an appropriation for Rebuilding the State House, being the special order for this time was taken up.

Mr. WILSON, moved that the bill be laid on the table.

And the question being—Shall the bill be laid on the table?

It was decided in the negative: $\left\{ \begin{array}{l} \text{Yeas } 12. \\ \text{Nays } 15. \end{array} \right.$

The Yeas and Nays being demanded by Mr. BARTHOLOMEW, were taken, and are as follows :

Those Senators who voted in the affirmative, are
Messrs. BILLINGS, CHITTENDEN, MASON, NASH,
NICHOLSON, PHELPS, RUMSEY, SANFORD, STARK,
TUTTLE, WILDER and WILSON.—12.

Those Senators who voted in the negative, are
Messrs. BARTHOLOMEW, BILL, BUTLER, CHADWICK
CLARKE, DAVIS, FRENCH of Essex, FRENCH of Windsor,
GLEED, HARRIS, POLAND, PUTNAM, RAYMOND,
WEAD and WORTHINGTON.—15.

So said motion to lay the bill on the table was disagreed to.
Pending a further discussion of the bill.

On motion of Mr. GLEED, it was laid on the table.

Mr. GLEED, offered the following Resolution, which was read.

Resolved, That the Judiciary Committee be requested to examine the Bond now in the hands of the Treasurer, signed by E. P. Jewett, Geo. W. Collamer, and Erastus Hubbard, and inform the Senate how much, if anything, is now due upon the same.

Mr. FRENCH of Windsor, moved an amendment, by striking out the words "Judiciary Committee," and inserting in lieu thereof, "a Select Committee, of three Senators to be appointed by the President.

Which motion was disagreed to, and the Resolution was thereupon adopted.

Mr. CHITTENDEN, offered the following Resolution which was read and adopted.

Resolved, That the Secretary of the Senate procure to be printed for the use of the Senate three hundred copies of a Bond signed by E. P. Jewett, Geo. W. Collamer and Erastus Bubbard, dated Feb. 27, 1857, executed to the Treasurer of the State, in the sum of \$100,000, and also three hundred copies of the Act of the same date entitled : An Act to provide for Rebuilding the State House.

(S. 111.) Mr. GLEED, called up the bill entitled : An Act making an appropriation for Rebuilding the State House.

Pending the consideration of which.

On motion of Mr. RUMSEY,

The Senate Adjourned.

WEDNESDAY MORNING, NOVEMBER 24.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

A message was received from the House by MR. WILLIAMS, Assistant Clerk, as follows :

MR. PRESIDENT :

The House have considered the amendments proposed by the Senate to the Joint Resolution for a Joint Assembly for the Election of a Brigadier General.

And have resolved to concur therein.

The House have considered the amendments proposed by the Senate to a bill entitled :

(H. 153.) An Act to amend Section ten of Chapter twenty-three of the Compiled Statutes.

And have resolved to concur therein.

Mr. BUTLER, offered the following Resolution, which was read and adopted :

Resolved, That the Contract* hereto appended, together with this Resolution, be referred to the Judges of the Supreme Court, who are hereby requested to report to the Senate their opinion whether a right of action upon said Contract matures before the completion of the work therein contemplated.

Mr. CLARKE, offered the following Joint Resolution, which was read :

Resolved, *By the Senate and House of Representatives*, That the Treasurer of the State be, and he hereby is directed to cause the Bond made to the Treasurer of this State by Elisha P. Jewett and others, to secure the State against the whole cost of Rebuilding the State House, dated Feb. 27, 1857, agreeably to an Act of the Legislature entitled : An Act to provide for Rebuilding the State House, approved Feb. 27, 1857, to be put in suit and collected as soon as may be, and the proceeds thereof paid into the Treasury of the State, in

*See Appendix.

case said Bond is not paid and satisfied according to the tenor thereof.

On motion of Mr. CLARKE, said Resolution was laid on the table.

(S. 126.) Mr. NASII, by leave of the Senate, introduced a bill entitled : An Act relating to Process, which was read twice, and referred to the Committee on the Judiciary.

Engrossed bills were severally read the third time and passed, as follows :

(S. 51.) An Act in addition to Chapter 112 of the Compiled Statutes, relating to County Jails and the confinement and discharge of Prisoners.

(S. 64.) An Act relating to the Collection of Fines and Costs.

(S. 109.) An Act in relation to Highway Taxes and in addition to Chapter 23 of the Compiled Statutes.

(S. 119.) An Act to incorporate the Rutland Academy of Music.

(S. 125.) The bill entitled : An Act relating to Banks, was taken up, and

Ordered, To be engrossed and read the third time to-morrow morning.

Joint Resolution from the House was read as follows :

Resolved, By the Senate and House of Representatives, of the State of Vermont, That our Senators and Representatives in Congress be, and are hereby requested to use all honorable means to procure the passage, by Congress, of an Act providing for the appointment of one or more competent persons in the State of Vermont, to examine Claims in favor of Citizens of this State for Bounty Land or Pensions and their finding to be conclusive, and the Pension Department, or Department of the interior to issue upon such findings, Land Warrants or Pension Certificates.

On motion of Mr. CHITTENDEN, said Resolution was laid on the table.

(S. 66.) Mr. CHITTENDEN, for the Committee on the Judiciary, to which was referred the bill entitled : An Act in amendment of, and in addition to an Act entitled an Act to

expedite proceedings in Chancery, in regard to the Trustees of Rail Road Mortgages, approved Nov. 10, 1857, reported the same with certain proposals of amendment, and with the opinion that said bill, if amended as proposed, ought to pass.

Said amendments were adopted, and the bill ordered to be engrossed and read the third time this afternoon.

(S. 120.) Mr. MASON, for the Committee on Claims, to which was referred the bill entitled : An Act to pay the Town of Burlington, the sum therein mentioned, reported the same with a proposal of amendment, and with the opinion, that if amended as proposed, the bill ought to pass

The Senate adopted the amendment proposed by the Committee, and the bill was thereupon read the third time and passed. (The engrossment thereof having been dispensed with.)

(S. 111.) The bill entitled : An Act making an appropriation for Rebuilding the State House, was taken up.

Pending the consideration of which.

On motion of Mr. CHITTENDEN,

The Senate Adjourned.

AFTERNOON.

(S. 104.) Mr. WILSON, for the Committee on Claims, to which was referred the bill entitled : An Act to pay Benjamin Clark, the sum therein mentioned, reported the same, without amendment, and recommended its passage.

Ordered, That the bill be engrossed and read the third time.

(H. 141.) Mr. MASON, for the Committee on Military Affairs, to which was referred House bill entitled : An Act incorporating a Uniform Company of Infantry, in the Town of Montpelier, reported the same and recommended its passage.

The bill was read the third time and passed.

(S. 106.) Mr. STARK, for the Committee on the Judiciary, to which was referred the bill entitled : An Act in addition to Chapter 31 of the Compiled Statutes entitled Process, reported the same, with certain proposal of amendment thereto, and with the opinion that the bill if amended as proposed, ought to pass.

The amendment was adopted, and

On motion of Mr. CHITTENDEN, the bill was laid on the table.

(S. 48.) Mr. WILSON for the Committee on Claims, to which was referred the bill entitled : An Act to pay Charles C. Frost, the sum therein named, reported the same without amendment and recommended its passage.

Ordered, That the bill be engrossed and read the third time.

(S. 123.) Mr. MASON, for the Committee on Claims, to which was referred the bill entitled : An Act to pay Stillman Churchill, the sum therein mentioned, reported the same, and with the opinion that the bill ought not to pass.

And the question being—Shall the bill be engrossed and read the third time ?

It was decided in the negative : $\left\{ \begin{array}{l} \text{Yeas } 8. \\ \text{Nays } 14. \end{array} \right.$

The Yeas and Nays being demanded by Mr. HARRIS, were taken, and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, BILLINGS, DAVIS, NICHOLSON, POLAND, PUTNAM, STARK and WORTHINGTON.—8.

Those Senators who voted in the negative, are

Messrs. BILL, BUTLER, CHADWICK, CLARKE, FRENCH of Windsor, HARRIS, MASON, NASH, PHELPS, RUMSEY, RAYMOND, TUTTLE, WEAD and WILDER.—14.

So the engrossment and third reading of said bill was refused.

The President laid before the Senate the following Communication.

MONTPELIER, NOV. 24, 1858.

To the Hon. the President of the Senate :

In reply to the Resolution of the Senate, this morning, requesting our opinion in regard to the time of maturity of the paper therein named, the undersigned, Judges of the Supreme Court, beg leave to state.

That as the question is one involving the rights of parties, not before us, and who might desire to be heard before any decision, or intimation was given in the matter, we should not feel justified in attempting to form any opinion in regard to it.

It should perhaps be stated, that in some of the States a legal or Constitutional provision exists for requiring the opinion of the Judges, in regard to questions of Law, at the instance of the Executive or Legislative Departments of the Government. As no such provision exists in this State, it has not been usual for the Judges to give opinions, at the instance of the other Departments of the Government. Nor could they do so with propriety, when the rights of parties, not before them, were involved.

ISAAC F. REDFIELD,
MILO L. BENNETT,
LUKE P. POLAND,
ASA OWEN ALDIS,
J. PIERPOINT,
JAMES BARRETT.

A message was received from the House by Mr. BIGELOW, Assistant Clerk, as follows :

Mr. PRESIDENT :

The House have passed bills of the following titles :

(H. 3.) An Act constituting Sarah Jane Pinneo, heir-at-law of Jasper Pinneo.

(H. 69.) An Act in addition to an Act relating to Witnesses, approved November twenty-third 1852.

(H. 281.) An Act to pay Orenso Wakefield, the sum therein mentioned.

(H. 284.) An Act altering the names of persons therein mentioned and constituting them heirs-at-law of certain other persons.

In the passage of which I am directed to request the concurrence of the Senate.

The House have passed in concurrence with the Senate, bills of the following titles :

(S. 18.) An Act altering the name of Samuel Sheldon Carlisle.

(S. 112.) An Act in addition to an Act relating to Uniformed Militia Companies, approved October 28th, 1857.

The House have passed in concurrence with the Senate, a bill of the following title, with certain proposals of amendment.

(S. 22.) An Act relating to Stocks in Corporations, without this State.

In the adoption of which amendments I am directed to request the concurrence of the Senate.

The Governor has announced to the House that he has approved and signed, bills originating in the House of the following titles :

(H. 154.) An Act relating to the Reports of the Supreme Court.

(H. 160.) An Act in alteration of an Act entitled: An Act for the relief of the Town of Wheelock, approved November 10th, 1857.

(H. 211.) An Act to incorporate the Henry Mill Company.

(H. 226.) An Act providing for the safety of Probate Records.

(H. 123.) The Senate proceeded to consider the amendment heretofore proposed by the Senate to the House bill entitled: An Act defining the Judicial Term of the Supreme Court and Reporter, (in which amendments the House refuse to concur), and resolved to recede therefrom.

Mr. CHITTENDEN, for a majority of the Committee on the Judiciary, to which was referred the Resolution of Mr. Gleed, asking an opinion in regard to the Bond given by certain

citizens of Montpelier to the State Treasurer, made a Report* thereon in writing.

Mr. FRENCH of Windsor, for the same Committee, submitted a Minority Report* upon the same subject.

Said Reports were laid on the table, and ordered to be printed in the Journal of the Senate.

(S. 66.) The engrossed bill entitled: An Act in amendment of, and in addition to an Act entitled an Act to expedite proceedings in Chancery, in regard to the Trustees of Rail Road Mortgages, approved Nov. 10, 1857, was read the third time and passed.

A message was received from the House by Mr. WILLIAMS, Assistant Clerk, as follows:

MR. PRESIDENT:

The House have passed a bill entitled:

(H. 269.) An Act in relation to Public Buildings.

In the passage of which bill I am directed to request the concurrence of the Senate.

(S. 22.) The Senate proceeded to consider the amendments proposed by the House to the bill entitled: An Act relating to Stocks in Corporations without this State, and resolved to concur therein.

Mr. HARRIS, offered the following Resolution, which was read and adopted:

Resolved, That when the Senate adjourn it adjourn to meet at 7 o'clock this evening.

On motion of Mr. CHITTENDEN,

The Senate Adjourned.

*See Appendix.

EVENING.

(S. 37.) The bill entitled: An Act relating to proceedings upon Executions, was taken up.

Mr. NICHOLSON, moved to amend by adding

"Sec. 9. This Act shall not in any way operate upon any cause or suit now or heretofore pending."

Mr. FRENCH of Windsor, moved to amend the amendment by striking out the words "or heretofore" in the last line of said amendment.

Which motion was agreed to.

Whereupon the Resolution as amended was rejected.

Mr. EVERTS, moved to amend the bill by adding thereto as follows :

"*Provided*, That this Act shall not effect any contract heretofore made and judgement heretofore rendered."

And the question being—Shall the amendment be adopted ?

It was decided in the negative : $\left\{ \begin{array}{l} \text{Yeas } 5. \\ \text{Nays } 23. \end{array} \right.$

The Yeas and Nays being demanded by Mr. NICHOLSON, were taken, and are as follows :

Those Senators who voted in the affirmative, are

Messrs. EVERTS, GLEED, NASH, NICHOLSON and RUMSEY.—5.

Those Senators who voted in the negative, are

Messrs. BARTHOLOMEW, BILL, BILLINGS, BUTLER, CHITTENDEN, CLARKE, DAVIS, FRENCH of Essex, FRENCH of Windsor, HARRIS, HATCH, MASON, PHELPS, POLAND, PUTNAM, RAYMOND, SANFORD, STARK, TUTTLE, WEAD, WILDER, WILSON and WORTHINGTON.—23.

So said amendment was rejected.

And the question being—Shall the bill be engrossed and read the third time?

It was decided in the affirmative: { Yeas 19.
Nays 8.

The Yeas and Nays being demanded by Mr. EVERTS, were taken, and are as follows:

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, BILL, BILLINGS, CHADWICK, CHITTENDEN, DAVIS, FRENCH of Essex, FRENCH of Windsor, HARRIS, HATCH, MASON, PHELPS, POLAND, PUTNAM, STARK, TUTTLE, WEAD, WILDER and WILSON.—19.

Those Senators who voted in the negative, are

Messrs. BUTLER, CLARKE, EVERTS, GLEED, NICHOLSON, RUMSEY, SANFORD, and WORTHINGTON.—8.

So said bill was ordered to be engrossed and read the third time to-morrow morning.

A message was received from the House by Mr. WILLIAMS, Assistant Clerk.

MR. PRESIDENT:

The House have passed a Joint Resolution relative to suspending the 14th Joint Rule.

In the adoption of which I am directed to request the concurrence of the Senate.

(S. 127.) Mr. BUTLER, by leave of the Senate, introduced a bill entitled: An Act to pay Chandler Pratt, the sum therein mentioned, which was read twice, and referred to the Committee on Claims.

(S. 43.) Mr. GLEED, called up the bill entitled: An Act regulating the Salary of the Rail Road Commissioner.

Mr. CHITTENDEN, moved that the bill be indefinitely postponed.

Which motion was disagreed to.

Mr. CHITTENDEN, moved to amend the bill by striking out the words "and expenses" from the first Section.

And the question being—Shall the amendment be adopted?

It was decided in the affirmative: { Yeas 15.
Nays 13.

The Yeas and Nay being demanded by Mr. CHITTENDEN, were taken, and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BILL, BUTLER, CHITTENDEN, DAVIS, EVERTS FRENCH of Windsor, MASON, NASH, PHELPS RUMSEY, SANFORD, TUTTLE, WEAD, WILSON and WORTINGTON.—15.

Those Senators who voted in the negative, are

Messrs. BARTHOLOMEW, BILLINGS, CHADWICK, CLARKE, FRENCH of Essex, GLEED, HARRIS, NICHOLSON, POLAND, PUTNAM, RAYMOND, STARK and WILDER.—13.

So said amendment was adopted.

Mr. GLEED, moved to amend the bill by adding to Sec. 1, the words "and expenses not exceeding two hundred dollars."

Mr. HARRIS, moved that the bill be indefinitely postponed ?

And the question being—Shall the bill be indefinitely postponed ?

It was decided in the negative : { Yeas 11.
 { Nays 17.

The Yeas and Nays being demanded by Mr. GLEED, were taken, and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BUTLER, CHITTENDEN, CLARKE, EVERTS, HARRIS, MASON, NASH, PHELPS, STARK, TUTTLE, and WILDER.—11.

Those Senators who voted in the negative, are

Messrs. BARTHOLOMEW, BILL, CHADWICK, DAVIS FRENCH of Essex, FRENCH of Windsor, GLEED, NICHOLSON, POLAND, PUTNAM, RAYMOND, RUMSEY, SANFORD, WEAD, WILSON and WORTHINGTON.—17.

So said bill was not indefinitely postponed.

Mr. CHITTENDEN, moved that the bill be laid on the table.

And the question being—Shall the bill be laid on the table ?

It was decided in the negative : { Yeas 10.
 { Nays 17.

The Yeas and Nays being demanded by Mr. CHITTENDEN, were taken, and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BILL, BUTLER, CHITTENDEN, CLARKE,
EVERTS, HARRIS, MASON, NASH, PHELPS and TUT-
TLE.—10.

Those Senators who voted in the negative, are

Messrs. BARTHOLOMEW, BILLINGS, CHADWICK, DAVIS, FRENCH of Essex, FRENCH of Windsor, GLEED, NICHOLSON, POLAND, PUTNAM, RAYMOND, RUMSEY, SANFORD, WEAD, WILDER, WILSON and WORTHINGTON.—17.

So said bill was not laid on the table.

Mr. CHITTENDEN, moved to refer the bill and amendments to the Committee on Roads, with instructions to report to the Senate, what, in their judgment, would be a fair allowance for the expenses of the Rail Road Commissioner, for the year ensuing.

And the question being—Shall the bill be so referred to the Committee on Roads.

It was decided in the negative : { Yeas 10,
Nays 17.

The Yeas and Nays being demanded by Mr. CHITTENDEN, were taken, and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BUTLER, CHITTENDEN, CLARKE, EVERTS,
HARRIS, MASON, NASH, PHELPS, RUMSEY and TUT-
TLE.—10.

Those Senators who voted in the negative, are

Messrs. BARTHOLOMEW, BILL, CHADWICK, DAVIS, FRENCH of Essex, FRENCH, of Windsor, GLEED, NICHOLSON, POLAND, PUTNAM, RAYMOND, SANFORD, STARK, WEAD, WILDER, WILSON and WORTHINGTON.—17.

So said bill was not recommitted to the Committee on Roads.

Mr. CHITTENDEN, moved that the Senate Adjourn.

And the question being—Will the Senate Adjourn?

It was decided in the negative: { Yeas 8,
Nays 19.

The Yeas and Nays being demanded by Mr. RAYMOND, were taken, and are as follows :

Those Senators who voted in the affirmative, are
Messrs. BUTLER, CHITTENDEN, CLARKE, EVERTS,
MASON, PHELPS, STARK and TUTTLE.—8.

Those Senators who voted in the negative, are
Messrs. BARTHOLOMEW, BILL, CHADWICK, DAVIS,
FRENCH of Essex, FRENCH of Windsor, GLEED, HARRIS,
HATCH, NASH, NICHOLSON, POLAND, PUTNAM,
RAYMOND, RUMSEY, SANFORD, WEAD, WILDER,
WILSON and WORTHINGTON.—19.

So the Senate refused to Adjourn.

Mr. EVERTS, moved to amend the amendment pending,
proposed by Mr. Gleed, by striking out "two hundred dollars"
and inserting "five hundred dollars" in lieu thereof.

Which motion was disagreed to.

Whereupon Mr. Gleed, by unanimous consent, withdrew his
said pending amendment.

A message was received from the House by Mr. BIGELOW,
Assistant Clerk, as follows :

MR. PRESIDENT :

The House have passed bills of the following titles :

(H. 270.) An Act to secure Freedom to all Persons within
this State.

(H. 282.) An Act making provision for the support of
Government.

In the passage of which I am directed to request the con-
currence of the Senate.

Mr. BUTLER, moved that the Senate Adjourn.

And the question being—Will the Senate Adjourn ?

It was decided in the negative : { Yeas 8,
Nays 19.

The Yeas and Nays being demanded by Mr. WEAD, were
taken, and are as follows :

Those Senators who voted in the affirmative, are
Messrs. BILLINGS, BUTLER, CHITTENDEN, HARRIS,
MASON, NASH, STARK and TUTTLE.—8.

Those Senators who voted in the negative, are
Messrs. BARTHOLOMEW, BILL, CHADWICK,

CLARKE, DAVIS, EVERTS, FRENCH of Essex, FRENCH of Windsor, GLEED, NICHOLSON, POLAND, PUTNAM, RAYMOND, RUMSEY, SANFORD, WEAD, WILDER, WILSON and WORTHINGTON.—19.

So the Senate refused to Adjourn.

Mr. CHITTENDEN, moved to amend the bill by striking out,

“Sec. 2. This Act shall take effect from its passage.”

Which motion was disagreed to.

And the question being—Shall the bill be engrossed and read the third time?

Mr. GLEED, moved that the engrossment be dispensed with and the bill be now read the third time.

And on this question the Yeas and Nays were demanded by Mr. EVERTS, and taken as follows :

Yeas 20 ; Nays 8.

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, BILL, CHADWICK, DAVIS, FRENCH of Essex, FRENCH of Windsor, GLEED, HATCH, NICHOLSON, PHELPS, POLAND, PUTNAM, RAYMOND, RUMSEY, SANFORD, STARK, WEAD, WILDER, WILSON and WORTHINGTON.—20.

Those Senators who voted in the negative, are

Messrs. BUTLER, CHITTENDEN, CLARKE, EVERTS, HARRIS, MASON, NASH and TUTTLE.—8.

So the engrossment was dispensed with, and the bill was thereupon read the third time.

Mr. CHITTENDEN, moved that the Senate do Adjourn.

And the question being—Will the Senate Adjourn?

It was decided in the affirmative : { Yeas 15.
Nays 14.

The Yeas and Nays being demanded by Mr. WILDER, were taken, and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BILLINGS, BUTLER, CHITTENDEN, CLARKE, DAVIS, EVERTS, HARRIS, HATCH, MASON, NASH, PHELPS, RUMSEY, STARK, TUTTLE and WILSON.—15.

Those Senators who voted in the negative, are

Messrs. BARTHOLOMEW, BILL, CHADWICK, FRENCH of Essex, FRENCH of Windsor, GLEED, NICHOLSON, POLAND, PUTNAM, RAYMOND, SANFORD, WEAD, WILDER and WORTHINGTON.—14.

So the Senate Adjourned.

THURSDAY MORNING, NOVEMBER 25.

Prayer by the Chaplain.

On motion of Mr. CHITTENDEN, the reading of the Journal was dispensed with.

Joint Resolution from the House providing for a suspension of the 14th Joint Rule, until this evening at six o'clock, was read and adopted in concurrence.

Bills from the House were severally read twice and referred to Committees as follows:

House Bill 3.—To the General Committee.

House Bill 69.—To the Committee on the Judiciary.

House Bill 281.—To the Committee on Claims.

House Bill 169.—To the Committee on Finance.

House Bill 282.—To the Committee on Finance.

House Bill 284.—To the General Committee.

House Bill 270.—To the General Committee.

The President laid before the Senate the following Communication from the Governor.

HON. BURNHAM MARTIN,

PRESIDENT OF THE SENATE.

SIR: I have the honor to transmit to the Senate for the information of the

General Assembly a copy of the Rules and By-Laws for the State Library,* adopted by the Trustees under the provisions of the Acts in relation to the State Library, passed November 11, 1857.

HILAND HALL

EXECUTIVE CHAMBER, }
Nov. 25th, 1858. }

Ordered, That said Rules and By-Laws be printed in the appendix to the Senate Journal.

(S. 37.) Engrossed bill entitled: An Act relating to proceedings upon Executions, was read the third time.

And the question being—Shall the bill pass?

It was decided in the affirmative: { Yeas 21.
 { Nays 7.

The Yeas and Nays being demanded by Mr. EVERTS, were taken, and are as follows:

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, BILL, BILLINGS, CHADWICK, CHITTENDEN, DAVIS, FRENCH of Essex, FRENCH of Windsor, HARRIS, HATCH, MASON, PHELPS, POLAND, PUTNAM, RAYMOND, SMITH, STARK, WEAD, WILDER, WILSON and WORTHINGTON.—21.

Those Senators who voted in the negative, are

Messrs. BUTLER, CLARKE, EVERTS, GLEED, NICHOLSON, RUMSEY and SANFORD.—7.

So said bill passed.

Engrossed bills were severally read the third time and passed, viz:

(S. 125.) An Act relating to Banks.

(S. 48.) An Act to pay Charles L. Frost, the sum therein named.

(S. 104.) An Act to pay Benjamin Clark, the sum therein mentioned.

(S. 43.) Mr. CHITTENDEN, called up the bill entitled: An Act regulating the Salary of the Rail Road Commissioner.

*See Appendix.

And the question being—Shall the bill pass?

It was decided in the affirmative: { Yeas, 18,
Nays, 10.

The Yeas and Nays being demanded by Mr. EVERTS, were taken, and are as follows:

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, BILL, CHADWICK, DAVIS, FRENCH of Essex, FRENCH of Windsor, GLEED, HATCH NICHOLSON, PHELPS, POLAND, PUTNAM, RAYMOND, SANFORD, WEAD, WILDER, WILSON and WORTHINGTON.—18.

Those Senators who voted in the negative, are

Messrs. BILLINGS, BUTLER, CHITTENDEN, CLARKE, EVERTS, HARRIS, MASON, NASH, RUMSEY and TUTTLE.—10.

So said bill passed.

(H. 201.) Mr. CLARKE, called up the bill from the House entitled: An Act fixing an uniform time for holding the annual School Meeting of the several School Districts in the State.

And the question being—Shall the bill pass?

It was decided in the affirmative: { Yeas 20.
Nays 8.

The Yeas and Nays being demanded by Mr. EVERTS, were taken, and are as follows:

Those Senators who voted in the affirmative, are

Messrs. BILL, BILLINGS, BUTLER, CHADWICK, CHITTENDEN, CLARKE, DAVIS, FRENCH of Essex, FRENCH of Windsor, HATCH, MASON, NASH, PUTNAM, RAYMOND, SMITH, STARK, TUTTLE, WEAD, WILDER and WORTHINGTON.—20.

Those Senators who voted in the negative, are

Messrs. EVERTS, GLEED, HARRIS, NICHOLSON, PHELPS, RUMSEY, SANFORD and WILSON.—8.

So said bill passed in concurrence with proposal of amendment.

Mr. CHITTENDEN, offered the following Resolution, which was read.

Resolved, By the Senate and House of Representative, That the Sergeant-at-Arms, be hereby directed to allow to the men employed by him during the present Session of the Legislature in connection with the duties of his office, two dollars a day for their services.

Mr. BUTLER, moved to amend said Resolution by adding thereto the words "and two dollars a day to the Reporter for the Senate.

Which motion was agreed to, and the Resolution was thereupon adopted.

Mr. RAYMOND, for the Committee on bills reported that said Committee did, on the 24th, inst., examine and present to the Governor for his approval and signature, bills originating in the Senate of the following titles:

Senate Bill 18.—An Act altering the name of Edward Sheldon Carlisle.

Senate Bill 22.—An Act relating to Stocks in Corporations without this State.

Senate Bill 112.—An Act in addition to an Act relating to Uniformed Militia Companies, approved Oct. 28, 1857.

(S. 100.) Mr. BUTLER, called up the bill entitled: An Act to repeal an Act to authorize the removal of obstructions from the North Branch of Onion River and its Tributaries.

Whereupon the substitute heretofore presented by the General Committee, was adopted.

And the bill having been further amended on motion of Mr. Gleed.

Mr. WILDER, moved that it be indefinitely postponed.

Which motion was disagreed to.

Said bill was thereupon,

Ordered, To be engrossed and read the third time.

A message was received from the House by Mr. WILLIAMS, Assistant Clerk, as follows:

Mr. PRESIDENT:

The House have passed a bill entitled:

(H. 254.) An Act laying a Tax on the County of Washington.

In the passage of which I am directed to request the concurrence of the Senate.

(H. 254.) The bill named in said message was read twice, and referred to a Select Committee of the Senators from Washington County.

(H. 269.) Mr. BARTHOLOMEW, for the Committee on Finance, submitted the following Report:

To the Hon. Senate now in Session :

The Committee on Finance, to whom was referred House bill No. 267, entitled : "An Act in relation to Public Buildings," beg leave to report, that they have duly considered the same, and in their opinion, said Bill ought to be amended by striking out all of the first Section of said Bill, next following the word "Montpelier" in the third line of said first Section, and when so amended, the same ought to pass.

B. W. BARTHOLOMEW, for Committee.

On motion of Mr. POLAND,

The Senate Adjourned.

AFTERNOON.

(H. 98.) Mr. WILSON, for the Committee on Claims, to which was referred House bill entitled : An Act to pay D. L. Church, the sum therein mentioned, reported the same, and recommended its passage.

Mr. WILDER, moved that the Senate propose to the House to amend the bill by striking out the words "one thousand dollars" and insert in lieu thereof the words, five hundred dollars, in Section 1, of said bill.

Which motion was disagreed to.

And the question being—Shall the bill be read the third time?

It was decided in the affirmative : { Yeas 27.
Nays 2.

The Yeas and Nays being demanded by Mr. MASON, were taken, and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, BILL, BILLINGS, BUTLER, CHADWICK, CHITTENDEN, CLARKE, DAVIS, EVERTS, FRENCH of Essex, FRENCH of Windsor, GLEED, HARRIS HATCH, MASON, NASH, NICHOLSON, POLAND, PUTNAM, RUMSEY, RAYMOND, SANFORD, SMITH, STARK TUTTLE, WEAD, WILSON and WORTHINGTON.—27.

Those Senators who voted in the negative, are

Messrs. PHELPS, and WILDER.—2.

So said bill was read the third time, and thereupon passed.

(H. 270.) Mr. NICHOLSON, for the General Committee, to which was referred House bill entitled: An Act to secure Freedom to all persons within this State, reported the same with certain proposals of amendment, and with the opinion, that the bill, if amended as proposed, ought to pass.

On motion of Mr. DAVIS,

Ordered, That the bill be laid on the table.

(S. 115.) Mr. MASON, for the Committee on Military Affairs, to which was referred the bill entitled: An Act in relation to the Salary of Quarter Master General and Adjutant and Inspector General, reported the same without amendment and without any expression of opinion thereon.

On motion of Mr. HARRIS,

Ordered, That said bill be laid on the table.

(S. 121.) Mr. MASON, for the same Committee, to which was referred the bill entitled: An Act in addition to the several Acts in respect to the Militia, reported the same without amendment, and recommended its passage.

Ordered, That the bill be engrossed and read the third time this evening.

On motion of Mr. CHITTENDEN,

Ordered, That when the Senate adjourn, it adjourn to meet again at 7 o'clock.

(H. 190.) Mr. MASON, for the Committee on Military Affairs, to which was referred the bill from the House entitled: An Act in addition to the several Statutes now in force relating to the Militia, reported the same, without amendment, and recommended its passage.

On motion of Mr. FRENCH of Windsor,

Ordered, That the bill be laid on the table.

(H. 281.) Mr. WILSON, for the Committee on Claims, to which was referred House bill entitled: An Act to pay Orenzo Wakefield, the sum therein mentioned, reported the same and recommended its passage.

On motion of Mr. CHITTENDEN,

Ordered, That the rule requiring twenty-four hours to intervene between the first and third reading of bills be suspended for the remainder of this Session.

Whereupon said bill was read the third time and passed.

(H. 254.) Mr. PUTNAM, for the Select Committee, to which was referred House bill entitled: An Act laying a Tax on the County of Washington, reported the same, and recommended its passage.

Said bill was read the third time and passed.

(H. 3.) Mr. WORTHINGTON, for the General Committee to which was referred the bill from the House entitled: An Act constituting Sarah Jane Pinneo, heir-at-law of Jasper Pinneo, reported the same, and recommended its passage.

Said bill was read the third time and passed.

(H. 284.) Mr. WORTHINGTON, for the same Committee to which was referred House bill entitled: An Act altering the names of persons therein mentioned, and constituting them heirs-at-law of certain other persons, reported the same, and recommended its passage.

Whereupon the bill was read the third time and passed.

(H. 69.) Mr. FRENCH of Windsor, for the Committee on the Judiciary, to which was referred House bill entitled: An Act in addition to an Act relating to Witnesses, approved

November 23, 1852, reported the same, with a certain proposal of amendment, and with the opinion that said bill, if amended as proposed, ought to pass.

The Senate adopted the amendment proposed by the Committee, and the bill was read the third time and passed, with proposal of amendment, in concurrence.

(H. 269.) The bill from the House entitled: An Act in relation to Public Buildings, was taken up.

And the question being—Shall the amendment proposed by the Committee on Finance, (heretofore spread upon the Journal) be adopted?

It was decided in the affirmative: $\left\{ \begin{array}{l} \text{Yeas 16.} \\ \text{Nays 14.} \end{array} \right.$

The Yeas and Nays being demanded by Mr. CHITTENDEN, were taken, and are as follows:

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, BILL, BUTLER, CHADWICK, DAVIS, FRENCH, of Essex, FRENCH of Windsor, HATCH POLAND, PUTNAM, RAYMOND, SMITH, WEAD, WILDER, WILSON and WORSHINGTON.—16.

Those Senators who voted in the negative, are

Messrs. BILLINGS, CHITTENDEN, CLARKE, EVERTS, GLEED, HARRIS, MASON, NASH, NICHOLSON, PHELPS RUMSEY, SANFORD, STARK and TUTTLE.—14.

So said amendment was adopted.

And the question being—Shall the bill be read the third time?

It was decided in the affirmative: $\left\{ \begin{array}{l} \text{Yeas 16.} \\ \text{Nays 15.} \end{array} \right.$

The Yeas and Nays being demanded by Mr. CHITTENDEN, were taken, and are as follows:

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, BILL, BUTLER, CHADWICK, DAVIS, FRENCH of Essex, FRENCH of Windsor, HATCH, POLAND, PUTNAM, RAYMOND, SMITH, WEAD, WILDER and WORTHINGTON.—15.

Those Senators who voted in the negative, are

Messrs. BILLINGS, CHITTENDEN, CLARKE, EVERTS, GLEED, HARRIS, MASON, NASH, NICHOLSON, PHELPS RUMSEY, SANFORD, STARK, TUTTLE and WILSON.—15.

The Yeas and Nays being equal in number, the Secretary took the casting vote of the President, which was given in the affirmative.—16.

So said bill was read the third time.

And the question being—Shall the bill pass?

It was decided in the affirmative: { Yeas, 16.
 { Nays, 15,

The Yeas and Nays being demanded by Mr. PHELPS, were taken, and are as follows:

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, BILL, BUTLER, CHADWICK DAVIS, FRENCH of Essex, FRENCH of Windsor, HATCH POLAND, PUTNAM, RAYMOND, SMITH, WEAD, WILDER and WORTHINGTON.—15.

Those Senators who voted in the negative, are

Messrs. BILLINGS, CHITTENDEN, CLARKE, EVERTS, GLEED, HARRIS, MASON, NASH, NICHOLSON, PHELPS RUMSEY, SANFORD, STARK, TUTTLE and WILSON.—15

The Yeas and Nays being equal in number the Secretary took the casting vote of the President which was given in the affirmative.—16.

So said bill was passed in concurrence with proposal of amendment.

Mr. CHITTENDEN, called up the Joint Resolution from the House, instructing Senators and Representatives in Congress from this State in regard to Bounty Lands, (heretofore spread upon the Journal,) and the same were adopted in concurrence.

(S. 65.) Mr. STARK, called up the bill entitled: An Act to pay A. B. Gardner, the sum therein mentioned for services as Bank Commissioner, and moved that the blank in Sec. 1, be filled by inserting \$225,29.

Which motion was agreed to.

Whereupon, the amendment proposed by the Committee was adopted, and the bill ordered to be engrossed and read the third time.

A message was received from the House by Mr. BIGELOW, Assistant Clerk, as follows :

MR. PRESIDENT :

The House have on their part adopted Joint Resolution, relative to Slavery and the Dred Scott Decision ; for the appointment of a Committee of three persons to investigate the conduct of the Atlantic and St. Lawrence Rail Road Company ; and relative to the compensation of Officers and attendants of the General Assembly.

In the adoption of which I am directed to request the concurrence of the Senate.

The House do not concur with the Senate in the passage of bills entitled :

(S. 38.) An Act relating to the Homestead.

(S. 89.) An Act exempting Musical Instruments from Attachment and Levy on Executions.

The House have passed in concurrence with the Senate, a bill of the following title with certain proposals of amendment.

(S. 114.) An Act to provide for the running of the Vermont and Canada Railroad, in case of its failure to comply with the provisions of An Act in addition to, and in amendment of an Act entitled "An Act to incorporate the Vermont and Canada Rail Road Company" approved October 31, 1845.

In the adoption of which amendment I am directed to request the concurrence of the Senate.

The House have passed a bill of the following title :

(H. 286.) An Act in amendment of the Charter of the Lamoille County Plank Road Company, approved November 9, 1849.

In the passage of which I am directed to request the concurrence of the Senate.

The Joint Resolution named in the foregoing message appointing a Committee to investigate the affairs of the Atlantic and St. Lawrence Rail Road was read, and is as follows :

“Joint Resolution for the appointment of a Committee of three persons, to investigate the conduct of the Atlantic and St. Lawrence Rail Road Company.

Whereas, The Legislature of Vermont, at their Session in 1848, granted to the Atlantic and St. Lawrence Rail Road Company, a Charter for a Rail Road extending from the western line of New Hampshire, in the County of Coos, through the north eastern part of this State, to the boundary of Canada, there to connect with the St. Lawrence and Atlantic Rail Road and at their Session in 1851, extended said Charter, with the express understanding that it should not interfere with, or divert the legitimate business of rail roads in the State of Vermont previously Chartered, by competition or at unremunerative rates, and *whereas*, The Atlantic and St. Lawrence Rail Road is now in the hands of, and under the control of a foreign Company, and this pledge has been broken, and to the great injury of contiguous lines in this State, and *whereas*, in said extension, the Legislature reserved the right to alter, amend or repeal its Charter. Therefore,

Resolved, By the Senate and House of Representatives, That a Committee of three persons, be appointed by the Governor to make investigation of the facts, and report to the Legislature of Vermont at its next Session, what alterations shall be made in the Charter of the Atlantic and St. Lawrence Rail Road Company, to protect the Roads of Vermont interested.

Said Committee shall give to parties interested, thirty days notice, of the time and place of hearing.”

On motion of Mr. FRENCH of Essex,

Ordered, To be laid on the table.

(S. 114.) The Senate proceeded to consider the amendments proposed by the House to the bill entitled : An Act to provide for the running of the Vermont and Canada Railroad, in case of its failure to comply with its provisions of an Act entitled, An Act in addition to and in amendment of an Act

entitled an Act to incorporate the Vermont and Canada Rail Road Company, approved October 31st, 1845.

And resolved to concur therein.

The Joint Resolution from the House, relative to the compensation of officers and attendants of the General Assembly, was read.

Mr. CHITTENDEN moved that the Senate propose to the House to amend the same so as to include "the Reporters of the Senate and House of Representatives, at the rate of \$2,00 per day."

Which motion was agreed to, and the resolution adopted in concurrence with proposal of amendment.

(H. 286.) The bill from the House entitled: An Act in amendment of the Charter of the Lamoille County Plank Road Company, approved Nov. 9, 1849, was read twice and referred to the Committee on Roads.

(S. 78.) Mr. WORTHINGTON called up the bill entitled: An Act laying a Tax on the Lands in Lowell.

Mr. DAVIS moved that said bill be indefinitely postponed.

And the question being—Shall the bill be indefinitely postponed?

It was decided in the affirmative: { Yeas 13.
 { Nays 12.

The Yeas and Nays being demanded by Mr. DAVIS, were taken, and are as follows:

Those Senators who voted in the affirmative, are

Messrs. BILL, BUTLER, CHADWICK, CHITTENDEN, DAVIS, HARRIS, MASON, PHELPS, POLAND, PUTNAM, RAYMOND, RUMSEY and WILDER.—13.

Those Senators who voted in the negative, are

Messrs. BILLINGS, CLARKE, EVERTS, FRENCH of Essex, GLEED, NASH, NICHOLSON, SMITH, STARK, WEAD, WILSON and WORTHINGTON.—12.

So said bill was indefinitely postponed.

A message was received from the House by Mr. BIGELOW, Assistant Clerk, as follows:

MR. PRESIDENT :

The House have passed a bill of the following title :

(H. 276.) An Act entitled an Act providing for holding the next Session of the Legislature.

In the passage of which I am directed to request the concurrence of the Senate.

(S. 65.) Mr. STARK, called up the bill entitled : An Act to pay A. B. Gardner, the sum therein named, and the same was read the third time and passed.

(H. 162.) Mr. CLARKE, called up House bill entitled : An Act for the relief of Frazer Jenne, and the bill having been heretofore read the third time, was passed.

A message was received from the House by Mr. WILLIAMS, Assistant Clerk, as follows :

MR. PRESIDENT :

The House have passed bills of the following titles :

(H. 242.) An Act to release Lovina Munroe, from certain obligations therein mentioned.

(H. 283.) An Act altering the names of certain persons therein mentioned.

In the passage of which bills I am directed to request the concurrence of the Senate.

On motion of Mr. GLEED,

The Senate Adjourned.

EVENING.

(H. 220.) Mr. NASH, for the Committee on Education, to which was referred House bill entitled : An Act in addition to an Act to incorporate the Vermont Historical and Antiquarian Society, reported the same and recommended its passage.

Said bill was read the third time and passed.

(H. 286.) Mr. BUTLER, for the Committee on Roads, to which was referred House bill entitled : An Act in amendment of the Charter of the Lamoille County Plank Road Company, approved November 9, 1849, reported the same and recommended its passage.

(S. 127.) Mr. WILSON, for the Committee on Claims, to which was referred the bill entitled : An Act to pay Chandler Pratt, the sum therein mentioned, reported the same, and recommended that the blank in Sec. 1, be filled by inserting the words, "fifty dollars and seventy-three cents."

Agreed to, and the bill (the engrossment being dispensed with) was thereupon read the third time and passed.

(S. 68.) Mr. WILSON, called up the bill entitled : An Act in addition to, and in amendment of Chapter 99, of the Compiled Statutes, and, on motion of Mr. WILDER, the same was indefinitely postponed.

A message was received from the House by Mr. BIGELOW, Assistant Clerk. as follows :

MR. PRESIDENT :

The House have considered the amendments proposed by the Senate to a bill entitled :

(H. 269.) An Act in relation to Public Buildings, and have resolved not to concur therein.

Mr. CHITTENDEN, offered the following Resolution, which was read and adopted.

Resolved, By the Senate and House of Representatives, That the 14th Joint Rule of the two Houses be suspended until ten o'clock this evening.

Mr. DAVIS, for the Committee on Banks, to which was referred so much of the Governor's Message as relates to Banks, submitted the following report:

To the Hon. Senate now in Session:

The Committee on Banks, to whom was referred so much of the Governor's Message as relates to Banks, having had the same under consideration, respectfully report that in the opinion of the Committee, no further Legislation on the subject, is necessary than already recommended by your Committee.

BLISS N. DAVIS, for Committee.

Said Report was accepted and the Committee discharged from further consideration on the subject.

Mr. DAVIS, for the Committee on Banks, submitted the following :

To the Hon. Senate now in Session:

The Committee on Banks, to whom was referred a Resolution of the Senate, relative to the inquiry whether any Legislation is necessary in consequence of a notice of the Suffolk Bank, concerning the further redemption of the bills of other Banks, respectfully report that in the opinion of your Committee, no Legislation is necessary on the subject referred to in said Resolution.

B. N. DAVIS, for Committee.

Said Report was accepted and the Committee discharged.

Mr. CHITTENDEN, moved that the vote by which the Senate adopted in concurrence with the House this afternoon, a Joint Resolution providing for the payment of the hands employed by the Sergeant-at-arms by the Treasurer, be reconsidered.

Which motion was disagreed to.

Mr. CHITTENDEN, moved that the Senate propose to the House to amend said Resolution by striking out the word "Treasurer," and insert in lieu thereof, the word "Sergeant-at-arms," so that he, and not the Treasurer should pay his own hands.

Which was agreed to, and the Resolution thereupon was adopted in concurrence with proposal of amendment.

(H. 269.) Mr. BUTLER, called up House bill entitled: An Act in relation to Public Buildings, and moved that the Senate do insist upon their amendment proposed to the same.

And the question being—Will the Senate insist upon their said amendment?

It was decided in the affirmative :

| | |
|---|-----------------|
| { | Yeas 16. |
| } | Nays 12. |

The Yeas and Nays being demanded by Mr. CHITTENDEN, were taken, and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, BILL, BUTLER, DAVIS, FRENCH of Essex, FRENCH of Windsor, HATCH, POLAND, PUTNAM, RAYMOND, SMITH, WEAD, WILDER, WILSON and WORTHINGTON.—16.

Those Senators who voted in the negative, are

Messrs. BILLINGS, CHITTENDEN, EVERTS, HARRIS,
MASON, NASH, NICHOLSON, PHELPS. RUMSEY, SAN-
FORD, STARK and TUTTLE.—12.

So the Senate insisted upon their said amendments.

Mr. BUTLER, moved that the Senate ask of the House, a Committee of Free Conference upon their disagreeing votes upon said bill.

Which motion was agreed to, and the President appointed to constitute said Committee on the part of the Senate,

**Messrs. BUTLER,
EVERTS and
DAVIS.**

By his own request, Mr. Everts was excused by the Senate and Mr. GLEED appointed.

(H. 270.) Mr. NICHOLSON, called up House bill entitled :
An Act to secure freedom to all persons within this State.

On motion of Mr. FRENCH of Windsor,

Ordered, That the bill be again laid on the table.

(S. 100.) Mr. EVERTS, called up the bill entitled : An Act
to repeal an Act to authorize the removal of obstructions from
the North Branch of Onion River and its Tributaries, and the
bill was read the third time and passed.

Mr. BUTLER, called up the Joint Resolution heretofore
offered by Mr. CLARKE, directing the State Treasurer to put
in suit the Bond given by E. P. Jewett, and others to the State
for the Rebuilding of the State House, and moved to amend
the same by adding thereto after the words "State Treasurer,"
the words, "in the discretion of the Governor."

On motion of Mr. CHITTENDEN,

Ordered, That the Resolution and amendment be laid on the
table.

(S. 123.) Mr. FRENCH of Windsor, called up the bill
entitled : An Act in amendment of an Act approved December
6, 1853, entitled : An Act to amend an Act to prevent the
traffic in Intoxicating Liquors, for the purpose of Drinking,
approved Nov. 23, 1852.

Mr. NICHOLSON, moved to amend the bill by inserting
after the word "building" where it last occurs, the words "or
when any number of persons congregate for the performance
of any labors by the means familiarly denominated "*a bee*."

And the question being—Shall the amendment be adopted ?

It was decided in the negative : { Yeas 13,
 { Nays 15.

The Yeas and Nays being demanded by Mr. NICHOLSON,
were taken, and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, CLARKE, GLEED, HARRIS,
MASON, NICHOLSON, POLAND, PUTNAM, SANFORD,
WEAD, WILDER and WILSON.—13.

Those Senators who voted in the negative, are

Messrs. BILL, CHADWICK, CHITTENDEN, DAVIS,

So said amendment was rejected.

It was decided in the affirmative : { Yeas 21.
Nays 5.

Those Senators who voted in the affirmative, are

Those Senators who voted in the negative, are

So said bill was ordered to be engrossed and read the third time.

A message was received from the House by Mr. WILLIAMS, Assistant Clerk, as follows :

I am directed by the House to inform the Senate that the Governor has approved and signed, bills originating in the House of the following titles :

(H. 123.) An Act defining the Judicial Term of the Supreme Court and Reporter.

(H. 141.) An Act incorporating a Uniformed Company of Infantry in the town of Montpelier.

(H. 153.) An Act to amend Section 10, of Chapter twenty-three of the Compiled Statutes.

(H. 278.) An Act in amendment of Section 34, Chapter one of the Compiled Statutes entitled "Elections."

The House do not concur with the Senate in the passage of bill entitled :

(S. 37.) An Act relating to proceedings upon Executions.

The House have passed in concurrence with the Senate bills entitled :

(S. 48.) An Act to pay Charles C. Frost the sum therein mentioned.

(S. 104.) An Act to pay Benjamin Clark, the sum therein mentioned.

(S. 125.) An Act relating to Banks.

Mr. FRENCH of Essex, offered the following Resolution, which was read, and the question being stated to the Senate by the Secretary, the Resolution was unanimously adopted.

Resolved, That the thanks of the Senate are hereby tendered to His Honor BURNHAM MARTIN, for the able, efficient and impartial manner in which he has discharged the arduous and responsible duties of Presiding Officer of the Senate during the Session now drawing to a close, and that our best wishes accompany him to his home.

Mr. NICHOLSON called up the Joint Resolutions from the House relative to Slavery and the Dred Scott Decision, and the same were read and are as follows :

Resolved, *By the Senate and House of Representatives*, 1. That the Constitution of the United States invests Congress with the sole power to govern the Territories—a power always exercised, and never questioned by any department of the government, for more than sixty years after the adoption of the Constitution.

Resolved, *further*, 2. That in the exercise of this power, Congress has the same right to exclude slavery, or any other evil, from the Territories of the United States, that the States have, by State legislation, to prohibit the same in the State ; and, as

guardians of the public interests, it is the duty of Congress to exercise this right.

Resolved, 3. That Congress has *no* power, by the Constitution, to create or sanction slavery, or to recognize its existence in any form ; and consequently, has no right to establish or protect slavery in the Territories, or to admit new States into the Union whose constitutions tolerate domestic slavery.

Resolved, 4. That Vermont will continue to resist the admission of new slave States into this Union, and the extension of slavery into the Territories of the United States, and, now as ever, will seek the Abolition of Slavery at the National Capital, and in all places under Federal Jurisdiction.

Resolved, 5. That all laws of Congress which recognize the right of property in man, or deprive any person of liberty without due process of law and a jury trial, or provide that any person shall be delivered up, as owing service to another, without such trial, are unconstitutional, void, and of no effect.

Resolved, 6. That property in slaves exists only by the positive law of force in the States creating it. The moment it passes from under the operation of these laws, it is property no longer.

And whereas the present Federal Administration and Judiciary have denied to the government and people of the United States the right, which the Constitution guarantees to them, of prohibiting the introduction of Slavery into the Territories ; and have denied the right of the citizens of the independent States of this Union to protect their liberties or property, by instituting suits in the Courts of the United States : therefore,

Resolved, further, By the Senate and House of Representatives, 7. That the doctrine maintained by a majority of the Judges of the Supreme Court, in the case of Dred Scott, that Slavery now exists, by virtue of the Constitution of the United States, in all the Territories, and in all places where the Federal Government has jurisdiction—that the Constitution carries Slavery wherever its authority extends—has no warrant in the Constitution, or in the Legislative or Judicial History of this Country.

Resolved, 8. That these extra-judicial opinions of the Supreme Court of the United States are a dangerous usurpation of power, and have no binding authority upon Vermont, or the people of the United States.

Resolved, 9. That no ingenious sophistry of the judges of that Court can make it appear that the citizens of each State are not citizens of the United States, and citizens *when in the other States*; and entitled, as such, to all rights and privileges of citizens in the several States.

Resolved, 10. That whenever the Government or Judiciary of the United States refuses or neglects to protect the citizens of each State, in their lives or liberty, when in another State or Territory, it becomes the duty of the sovereign and independent States of this Union to protect their own citizens, at whatever hazard or cost.

Resolved, 11. That the Senators in Congress from this State be directed, and our Representatives requested, to use their utmost endeavors to induce Congress to propose amendments to the Constitution of the United States, limiting the term of office of the Judges of the Supreme Court of the United States to four years; and that said Judges, together with the President and Vice President of the United States, be elected every fourth year, by the ballots of the legal voters in the State—a majority of all the votes cast at said election, in all the States, constituting a choice.

Resolved, 12. That in case of no election of President or Vice President, in the manner prescribed in the preceding Resolution, they should then be chosen, as such officers are now chosen, by Congress; and in case of no election of such Judges by the people, than to be chosen in the same manner the President is chosen in case of no election of President, by the voters of the States; and in case of no election of Judges in the manner last prescribed, then the Judges holding office shall continue in the same until the next election by the voters of the States.

Resolved, 13. That the Governor of the State be, and he is hereby requested, to transmit a copy of the House Report on

Slavery, and these Resolutions, to the Governors of the several States, and to each of our Senators and Representatives in Congress.

On motion of Mr. CLARKE,

Ordered, That said Resolutions be considered separately.

Mr. FRENCH of Windsor, moved that they be laid on the table.

And the question being—Shall the Resolutions be laid on the table ?

It was decided in the negative : { Yeas 4,
 { Nays 17.

The Yeas and Nays being demanded by Mr. NICHOLSON, were taken, and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BILLINGS, CLARKE, FRENCH of Essex, and FRENCH of Windsor.—4.

Those Senators who voted in the negative, are

Messrs. BILL, DAVIS, EVERTS, GLEED, HARRIS, NICHOLSON, POLAND PUTNAM, RUMSEY, SANFORD, SMITH, TUTTLE, WEAD, WILDER, WILSON and WORTHINGTON.—17.

So said Resolutions were not laid on the table.

Whereupon the Resolutions numbered one and two were adopted.

And the question being—Shall the third Resolution be adopted ?

It was decided in the negative : { Yeas 9,
 { Nays 16.

The Yeas and Nays being demanded by Mr. NICHOLSON, were taken, and are as follows :

Those Senators who voted in the affirmative, are

Messrs. CHADWICK, GLEED, MASON, NICHOLSON, PUTNAM, RAYMOND, SANFORD, SMITH and WILSON.—9.

Those Senators who voted in the negative, are

Messrs. BILL, CHITTENDEN, CLARKE, DAVIS, EVERTS FRENCH of Windsor, HARRIS, HATCH, NASH, PHELPS

RUMSEY, STARK, TUTTELE, WEAD, WILDER and WORTHINGTON.—16.

So said third Resolution was rejected.

Mr. EVERTS, moved that the vote just taken be reconsidered.

And the question being—Shall the vote be reconsidered ?

It was decided in the negative : $\left\{ \begin{array}{l} \text{Yeas } 9. \\ \text{Nays } 16. \end{array} \right.$

The Yeas and Nays being demanded by Mr. CHITTENDEN, were taken, and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, GLEED, MASON, NICHOLSON, POLAND, PUTNAM, SANFORD, SMITH and WILSON.—9.

Those Senators who voted in the negative, are

Messrs. BILL, CHITTINDEN, CLARKE, DAVIS, EVERTS FRENCH of Essex, FRENCH of Windsor, HARRIS, HATCH NASH, PHELPS, RUMSEY, STARK, WEAD, WILDER, and WORTHINGTON.—16.

So said vote was not reconsidered.

Mr. GLEED, moved that the Resolutions from No. 4 to 10, inclusive, be adopted.

And the question being—Shall said Resolutions be adopted.

It was decided in the affirmative : $\left\{ \begin{array}{l} \text{Yeas } 23. \\ \text{Nays } 2. \end{array} \right.$

The Yeas and Nays being demanded by Mr. FRENCH of Essex, were taken, and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BILL, CHADWICK, CHITTENDEN, CLARKE, DAVIS, EVERTS, FRENCH of Windsor, GLEED, HARRIS, MASON, NICHOLSON, PHELPS, POLAND, PUTNAM, RUMSEY, RAYMOND, SANFORD, SMITH, STARK, TUTTLE, WILDER, WILSON and WORTHINGTON.—23.

Those Senators who voted in the negative, are

Messrs. FRENCH of Essex, and WEAD.—2.

So said Resolutions from No 4 to 10, were adopted.

Mr. FRENCH of Windsor, moved that the Senate propose to the House to amend Resolution No. 11, by striking out after the word States in the fourth line, the words "limiting the term of Office of the Judges of the Supreme Court of the United States of four years, and that said Judges, together with" and insert "so that."

Which motion was agreed to.

And said Resolution No. 11, was then adopted.

Mr. FRENCH of Windsor, moved that the Senate propose to the House to amend Resolution No. 12, to wit :

Strike out of 12th Resolution, all after the word "Congress" in the fourth line printed copy.

Which motion was agreed to, and the Resolution No. 12, was thereupon adopted.

Mr. EVERTS, moved that the Senate propose to the House to amend the 13th, and last Resolution by striking out of the second line of the last Section, the words, "the House Report on Slavery and."

Which motion was agreed to.

Mr. EVERTS, moved that the vote just taken be reconsidered.

And the question being—Shall said vote be reconsidered.

It was decided in the negative : $\left\{ \begin{array}{l} \text{Yeas } 5. \\ \text{Nays } 16. \end{array} \right.$

The Yeas and Nays being demanded by Mr. NICHOLSON, were taken, and are as follows :

Those Senators who voted in the affirmative, are

Messrs. MASON, NICHOLSON, PHELPS, PUTNAM, and WILDER.—5.

Those Senators who voted in the negative, are

Messrs. BILL, BILLINGS, CHADWICK, CLARKE, EVERTS, FRENCH of Windsor, HARRIS, HATCH, NASH, RUMSEY, RAYMOND, SANFORD, STARK, WEAD, WILSON and WORTHINGTON.—16.

So said motion was disagreed to.

Resolution No. 13, was thereupon adopted, and the said Resolutions having been adopted in concurrence with proposal

of amendment, the Secretary was directed to return them to the House for their agreement to the Senate amendments.

A message was received from the House by Mr. BIGELOW, Assistant Clerk, as follows :

MR. PRESIDENT :

The House have considered the Joint Resolution from the Senate, relating to an extra compensation of Workmen employed by the Sergeant-at-arms, and the Reporter of the Senate.

And have adopted the same in concurrence.

The House have passed a bill entitled :

(H. 187.) An Act to repeal An Act to provide for publishing a condensed edition of the Vermont Reports.

In the passage of which I am directed to request the concurrence of the Senate.

The House have considered the Joint Resolution originating in the Senate relative to suspending the fourteenth Joint Rule.

And have adopted the same in concurrence.

I am directed by the House to inform the Senate that they, on their part, have appointed as a Committee to confer with the Senate on the disagreeing vote on the amendment proposed by the Senate to House bill entitled :

(H. 269.) An Act in relation to Public Buildings.

MR. LINSLEY, of Rutland,

KELLOGG, of Brattleboro,

NEEDHAM, of Hartford.

(S. 123.) The engrossed bill entitled : An Act in amendment of an Act approved Dec. 6, 1853, entitled : An Act to amend an Act to prevent the traffic in Intoxicating Liquors, for the purpose of Drinking, approved Nov. 23, 1852, was read the third time.

MR. NICHOLSON, moved that the bill be committed to a Senator with instructions to amend the same by adding the words "nor on any other business occasion" after the word building in line eight of Sec. 1.

Which motion was disagreed to.

MR. CLARKE, moved that the bill be laid on the table.

And the question being—Shall the bill be laid on the table?

It was decided in the negative: { Yeas 8,
Nays 14.

The Yeas and Nays being demanded by Mr. NICHOLSON, were taken, and are as follows:

Those Senators who voted in the affirmative, are

Messrs. BILLINGS, CLARKE, FRENCH of Essex, HARRIS, NASH, PHELPS, SANFORD and WEAD.—8.

Those Senators who voted in the negative, are

Messrs. BILL, EVERTS, FRENCH of Windsor, HATCH, MASON, NICHOLSON, RAYMOND, RUMSEY, SMITH, STARK, TUTTLE, WILDER, WILSON and WORTHINGTON.—14.

So said motion to lay the bill on the table was disagreed to.

Mr. NICHOLSON, moved that the bill be committed to a Senator with instructions to amend the same as follows, viz:

Strike out all between the word "occasion" and the word "and" after the word "building" where it last occurs.

And the question being—Shall the bill be so committed?

It was decided in the negative: { Yeas 12.
Nays 13.

The Yeas and Nays being demanded by Mr. NICHOLSON, were taken, and are as follows:

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, BILL, CLARKE, MASON, NICHOLSON, PHELPS, POLAND, RUMSEY, SMITH, TUTTLE, WILDER and WILSON.—12.

Those Senators who voted in the negative, are

Messrs. BILLINGS, CHADWICK, EVERTS, FRENCH of Essex, FRENCH of Windsor, HARRIS, HATCH, NASH, RAYMOND, SANFORD, STARK, WEAD and WORTHINGTON.—13.

So said motion was disagreed to.

Said bill was thereupon passed.

(S. 121.) Engrossed bill entitled: An Act in addition to the several Acts in respect to the Militia, was read the third time and passed.

(H. 190.) Mr. STARK, called up House bill entitled : An Act in addition to the several Statutes now in force relating to the Militia.

Mr. HARRIS, moved that the Senate propose to the House to amend the bill by striking out the words "Adjutant and Inspector General," in Sec. 1, and insert in lieu thereof the words "Quarter Master General."

Which motion was agreed to.

The bill was thereupon read the third time and passed in concurrence with proposal of amendment.

(H. 270.) Mr. NICHOLSON, called up the bill from the House entitled : An Act to secure freedom to all persons within this State, the question being on the amendment proposed by the General Committee.

Mr. FRENCH of Windsor, moved that the bill be laid on the table.

And the question being—Shall the bill be laid on the table?

It was decided in the affirmative : { Yeas 11.
Nays 7.

The Yeas and Nays being demanded by Mr. NICHOLSON, were taken, and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BILL, BILLINGS, FRENCH of Essex, FRENCH of Windsor, HARRIS, MASON, NASH, PHELPS, STARK, TUTTLE and WORTHINGTON.—11.

Those Senators who voted in the negative, are

Messrs. CHADWICK, NICHOLSON, PUTNAM, RAYMOND, RUMSEY, SANFORD and WILDER.—7.

So said bill was laid on the table.

(H. 187.) House bill entitled : An Act to repeal an Act to provide for publishing a condensed edition of the Vermont Reports, was read twice and referred to the Committee on the Judiciary.

(H. 283.) House bill entitled : An Act altering the names of certain persons therein mentioned, was read twice, the rule suspended, read the third time and passed.

(H. 112.) House bill entitled : An Act to incorporate the Village of Bradford was read the third time and passed.

A message was received from the House by Mr. WILLIAMS, Assistant Clerk, as follows:

MR. PRESIDENT:

The House have passed bills of the following titles:

(H. 206.) An Act to pay Amos A. Brown, the sum therein mentioned.

(H. 287.) An Act in relation to the payment of the Debts of the late town of Sterling.

(H. 267.) An Act in addition to Chapter twenty of the Compiled Statutes entitled "Common Schools."

(H. 169.) An Act to pay Eliphalet Hewett, the sum therein mentioned.

(H. 109.) An Act to pay William H. Huestis, the sum therein mentioned.

(H. 127.) An Act to pay Harvey Webster, the sum therein mentioned.

In the passage of which bills, I am directed to request the concurrence of the Senate.

(H. 127.) House bill entitled: An Act to pay Harvey Webster, the sum therein named, was read twice, rule suspended, read the third time and passed.

(H. 169.) House bill entitled: An Act to pay Eliphalet Hewett, the sum therein mentioned, was read twice, rule suspended, read the third time and passed.

(H. 109.) House bill entitled: An Act to pay William H. Huestis, the sum therein mentioned, was read twice, the rule suspended, and the question being on the third reading.

Mr. FRENCH of Windsor, moved that the Senate propose to the House to amend the bill by striking out the words "six hundred and fifty dollars," and insert in lieu thereof the words "four hundred and thirty-two dollars."

And the question being—Will the Senate propose to the House so to amend the bill?

It was decided in the negative: { Yeas 10.
Nays 14.

The Yeas and Nays being demanded by Mr. CLARKE, were taken, and are as follows:

Those Senators who voted in the affirmative, are

Messrs. CHADWICK, FRENCH of Windsor, HARRIS, MASON, NASH, PHELPS, RAYMOND, SANFORD, WILDER and WORTHINGTON.—10.

Those Senators who voted in the negative, are

Messrs. BILL, BILLINGS, CHITTENDEN, CLARKE, EVERTS, FRENCH of Essex, HATCH, NICHOLSON, RUMSEY, SMITH, STARK, WEAD and WILSON.—14.

So said amendment was rejected.

Whereupon the bill was read the third time and passed.

(H. 267.) House bill entitled: An Act in addition to Chapter twenty of the Compiled Statutes, entitled 'Common Schools,' was read twice, and referred to the Committee on Education.

(H. 287.) House bill entitled: An Act in relation to the payment of the Debts of the late town of Sterling, was read twice and referred to the General Committee.

(H. 206.) House bill entitled: An Act to pay Amos A. Brown, the sum therein named, was read twice, the rule suspended, read the third time and passed.

(H. 287.) Mr. WORTHINGTON, for the General Committee to which was referred House bill entitled: An Act in relation to the payment of the Debts of the late town of Sterling, reported the same, and recommended its passage.

Whereupon the bill was read the third time and passed.

(H. 187.) Mr. FRENCH of Windsor, for the Committee on the Judiciary, to which was referred the bill entitled: An Act to repeal an Act to provide for publishing a condensed edition of the Vermont Reports, reported the same, and recommended its passage.

Mr. RAYMOND, for the Committee on bills reported that said Committee had examined and this day submitted to the Governor for his approval and signature, bills of the following titles, to wit:

Senate Bill 114.—An Act to provide for the running of the Vermont and Canada Railroad in case of its failure to comply

with the provisions of an Act in addition to, and in amendment of an Act entitled an Act to incorporate the Vermont and Canada Railroad Company, approved Oct. 31, 1845.

Senate Bill 48.—An Act to pay Charles C. Frost, the sum therein mentioned.

Senate Bill 125.—An Act relating to Banks.

Senate Bill 104.—An Act to pay Benjamin Clark, the sum therein mentioned.

Also, a Joint Resolution relating to an extra compensation of Workmen employed by the Sergeant-at-arms and the Reporter of the Senate.

A message was received from the House by Mr. BIGELOW, their Assistant Clerk, as follows :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the Governor has announced to the House, that he has this day approved House bills of the following titles :

(H. 254.) An Act laying a Tax on the County of Washington.

(H. 281.) An Act to pay Orenzo Wakefield, the sum therein mentioned.

(H. 98.) An Act to pay D. S. Church, the sum therein mentioned.

(H. 3.) An Act constituting Sarah Jane Pinneo, heir-at-law of Jasper Pinneo.

(H. 284.) An Act altering the names of persons therein mentioned, and constituting them heir-at-law of certain other persons.

(H. 162.) An Act for the relief of Frazier Jenne.

(H. 220.) An Act in addition to an Act to incorporate the Vermont Historical and Antiquarian Society.

(H. 286.) An Act in amendment of the Charter of the Lamoille Plank Road Company, approved Nov. 9, 1849.

(H. 243.) An Act to release Lovina Monroe, from certain obligations therein mentioned.

The House have passed a bill entitled :

(H. 200.) An Act to pay Thomas W. Silloway, the sum therein mentioned.

In the passage of which I am directed to request the concurrence of the Senate.

The House have on their part adopted Joint Resolutions, relative to a suspension of the Fourteenth Joint Rule, relative to the compensation of the Reporter of the House, and relative to the compensation of persons employed by the Sergeant-at-arms.

In the adoption of which I am directed to request the concurrence of the Senate.

The following Joint Resolutions from the House, were read and adopted in concurrence.

Resolved, By the Senate and House of Representatives, That the 14th Joint Rule be, and hereby is, suspended until twelve o'clock this evening.

Resolved, By the Senate and House of Representatives, That the same compensation be, and is hereby allowed to the Reporter of the House, that has been voted to the Reporter of the Senate.

Resolved, By the Senate and House of Representatives, That all persons hereafter employed by the Sergeant-at-arms in behalf of the State, be allowed and paid such compensation for their services as said Sergeant-at-arms shall judge reasonable, and his account for the same shall be examined and audited by the Auditor of Accounts.

A message was received from the House by Mr. WILLIAMS, Assistant Clerk, as follows:

MR. PRESIDENT:

The House have passed bills of the following titles:

(H. 194.) An Act in relation to Dower and Homestead.

(H. 260.) An Act relating to the service of Process.

(H. 221.) An Act to incorporate the Coventry Academy.

(H. 272.) An Act to incorporate the St. Johnsbury Academy of Music.

(H. 279.) An Act to incorporate the Chelsea, and Tunbridge Telegraph Company.

(H. 285.) An Act to alter the name of George W. Howard and to constitute him heir-at-law of Joseph Allen and Polly Allen.

In the passage of which bills, I am directed to request the concurrence of the Senate.

The House have passed in concurrence with the Senate, a bill entitled :

(S. 100.) An Act in addition to an Act entitled : An Act to authorize the removal of obstructions from the North Branch of Onion River and its Tributaries, approved December 6, 1853, and also modifying Chapter 93 of the Compiled Statutes.

MIDNIGHT.

(H. 200.) House bill entitled : An Act to pay Thomas W. Silloway the sum therein mentioned, was read twice and referred to the Committee on Claims.

(H. 221.) House bill entitled : An Act to incorporate the Coventry Academy, was read twice and referred to the Committee on Education.

(H. 279.) House bill entitled : An Act to incorporate the Chelsea and Tunbridge Telegraph Company, was read twice, rule suspended, read the third time and passed.

(H. 260.) House bill entitled : An Act relating to the service of Process, was read twice and referred to the Committee on the Judiciary.

(H. 272.) House bill entitled : An Act to incorporate the St. Johnsbury Academy of Music, was read twice and referred to the General Committee.

(H. 194.) House bill entitled: An Act in relation to Dower and Homestead, was read twice, rule suspended, read the third time and passed.

(H. 285.) House bill entitled: An Act to alter the name of George W. Howard, and to constitute him heir-at-law of Joseph Allen and Polly Allen, was read twice, rule suspended, read the third time and passed.

(H. 267.) Mr. CLARKE, for the Committee on Education, to which was referred House bill entitled: An Act in addition to Chapter twenty of the Compiled Statutes, entitled Common Schools, reported the same, and with the opinion that said bill ought not to pass.

Whereupon, the third reading of the bill was refused.

A message was received from the House by Mr. BIGELOW, their Assistant Clerk, as follows:

MR. PRESIDENT:

The House have passed in concurrence with the Senate, with certain proposals of amendment a bill entitled:

(S. 65.) An Act to pay A. B. Gardner, the sum therein mentioned for services as Bank Commissioner.

In the adoption of which amendments, I am directed to request the concurrence of the Senate.

The House have passed in concurrence with the Senate a bill entitled:

(S. 121.) An Act in addition to the several Acts in respect to the Militia.

The House do not concur with the Senate in the passage of a bill entitled:

(S. 127.) An Act to pay Chandler Pratt, the sum therein mentioned.

(H. 269.) Mr. BUTLER, for the Committee of Free Conference, on the disagreeing vote of the two Houses upon the bill from the House entitled: An Act relating to Public Buildings, reported that said Committee could not agree, but that a majority of the Committee would recommended that the Senate recede from their amendments, and propose another amend-

ment to the bill, which he hoped would be less objectionable to the House of Representatives.

On motion of Mr. CHITTENDEN.

Ordered, That the Report be laid on the table.

(H. 272.) Mr. WORTHINGTON, for the General Committee, to which was referred House bill entitled : An Act incorporating the St. Johnsbury Academy of Music, reported the same, and recommended its passage.

The bill was read the third time and passed.

(S. 65.) The Senate proceeded to consider the amendments proposed by the House to the bill entitled : An Act to pay A. B. Gardner, the sum therein mentioned.

And resolved to concur therein.

(H. 270.) Mr. NICHOLSON, called up the bill from the House entitled: An Act to secure Freedom to all Persons within this State, the question being on the amendments reported by the General Committee, to wit: that the Senate propose to the House to strike out of Sec. 2, the words "where an attempt is made to restrain or deprive any person of Liberty."

Insert in Sec. 6, after the word "every," the words "person who may have been held as a."

Also insert in the same Section, between the words "with" and "the," the words "or without."

Also insert in same Section, between the words "involuntarily" and "in," the words "or in any way."

Also strike out of Section 7, the words "of color," also the words "or under any pretence," and insert in same Section, between the words "short" and "shall" the words "under the pretence that such person is or has been a Slave."

The amendments proposed in Section two and six, were agreed to.

And the question being—Shall the amendment proposed to Sec. 7, of the bill be adopted?

It was decided in the affirmative : { Yeas 10.
Nays 7.

The Yeas and Nays being demanded by Mr. NICHOLSON, were taken and are as follows :

Those Senators who voted in the affirmative, are

Messrs. EVERTS, MASON, NICHOLSON, PHELPS, POLAND, PUTNAM, RUMSEY, SANFORD, TUTTLE and WILDER.—10

Those Senators who voted in the negative, are

Messrs. BILLINGS, CHADWICK, CLARKE, FRENCH of Windsor, HARRIS, STARK, WEAD and WORTHINGTON.—7.

So said amendment was adopted.

On motion of Mr. CLARKE,

Ordered, That the bill be laid on the table.

A message was received from the Governor by Mr. DEAN, Secretary of State, as follows :

MR. PRESIDENT :

I am directed by the Governor to inform the Senate, that he has this day approved and signed bills originating in the Senate of the following titles, viz :

(S. 114.) An Act to provide for the running of the Vermont and Canada Railroad, in case of its failure to comply with the provisions of an Act in addition to, and in amendment of an Act entitled an Act to incorporate the Vermont and Canada Railroad Company, approved Oct 31, 1845.

(S. 125.) An Act relating to Banks.

(S. 48.) An Act to pay Charles C. Frost, the sum therein mentioned.

(S. 104.) An Act to pay Benjamin Clark, the sum therein mentioned.

And also that he has this day approved and signed a Joint Resolution originating in the Senate, relating to an extra compensation of Workmen employed by the Sergeant-at-arms and the Reporter of the Senate.

A message was received from the House by Mr. WILLIAMS, Assistant Clerk, as follows :

MR. PRESIDENT :

The House have passed in concurrence with the Senate, bills of the following titles :

(S. 45.) An Act to repeal an Act passed November 18, 1856, relating to the draining of Swamps and other low Lands.

(S. 95.) An Act in addition to an Act entitled an Act authorizing the Selectmen of the several Towns to establish Fire Districts in certain cases, approved Nov. 11, 1854.

(S. 35.) An Act to pay Jacob Edgerton, the sum therein mentioned.

(S. 99.) An Act relating to Minors and Married Women.

(S. 124.) An Act to enforce certain Rules of the Vermont State Library.

(S. 94.) An Act relating to Highway Surveyors and Street Commissioners.

(S. 109.) An Act in relation to Highway Taxes, and in addition to Chapter 23 of the Compiled Statutes.

(S. 118.) An Act to incorporate the Island Pond Copper Mining Company.

(S. 120.) An Act to pay the Town of Burlington, the sum therein mentioned.

(S. 119.) An Act to incorporate the Rutland Academy of Music.

(S. 66.) An Act in amendment of, and in addition to an Act entitled an Act to expedite proceedings in Chancery, approved November 10, 1857.

The House do not concur with the Senate in the passage of bills entitled :

(S. 7.) An Act in relation to Depositions.

(S. 51.) An Act in addition to Chapter 112 of the Compiled Statutes relating to County Jails and the confinement and discharge of Prisoners.

(S. 64.) An Act relating to the collection of Fines and Costs.

(H. 269.) Mr. BUTLER, called up the bill from the House entitled: An Act relating to Public Buildings, and moved that the vote by which the Senate passed in concurrence with the House, said bill with proposal of amendment be reconsidered.

Which motion was agreed to.

Mr. BUTLER, moved that the amendment heretofore proposed by the Senate to said bill be withdrawn, and that the Senate propose to the House to amend the bill in accordance with the suggestion of the Committee of Free Conference, as follows :

Strike out all after the enacting clause, and insert

"SEC. 1. The sum of forty-five thousand dollars is hereby appropriated for Building and Furnishing the State House at Montpelier."

"*Provided*, That no part of said sum is to be taken from the Treasury until the signers of a Bond* executed Feb. 27, 1857, in accordance with an Act of February 1857, providing for the Rebuilding of the State House, signed by Geo. W. Collamer, Erastus Hubbard and E. P. Jewett, shall pay into the State Treasury, fifteen thousand dollars upon said Bond, in addition to the sum of ten thousand dollars already paid into the Treasury, and shall apply the ten thousand dollars now paid in, upon the same, making *twenty-five thousand dollars* to be applied on said Bond; *Provided*, also that said twenty-five thousand dollars shall all be paid, on or before the first day of March next, or this Act shall be void."

And the question being—Shall the amendment heretofore proposed by the Senate, be withdrawn, and the amendment now proposed be adopted?

It was decided in the affirmative: { Yeas 19.
 { Nays 11.

The Yeas and Nays being demanded by Mr. CHITTENDEN, were taken, and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, BILL, BUTLER CHADWICK, CLARKE, DAVIS, FRENCH of Essex, FRENCH of Windsor, GLEED, HARRIS, HATCH, POLAND, PUTNAM, RAYMOND, SMITH, WEAD, WILDER, WILSON and WORTHINGTON.—19.

Those Senators who voted in the negative, are

Messrs. BILLINGS, CHITTENDEN, EVERTS, MASON, NASH, NICHOLSON, PHELPS, RUMSEY, SANFORD, STARK and TUTTLE.—11.

So said motion was agreed to.

*See Appendix.

Whereupon the bill was passed in concurrence with proposal of amendment.

(H. 276.) Mr. BUTLER, called up House bill entitled : An Act providing for holding the next Session of the Legislature.

Mr. CHITTENDEN, moved that the bill be laid on the table.

Which motion was agreed to.

Mr. PUTNAM, for the Committee on Bills reported that said Committee had this day examined and presented to the Governor for his approval and signature, Bills originating in the Senate of the following titles, to wit :

Senate Bill No. 35.—Entitled : An Act to pay Jacob Edger-ton, the sum therein mentioned.

Senate Bill No. 45.—Entitled : An Act to repeal an Act passed November 18, 1856, relating to the draining of Swamps and other Low Lands.

Senate Bill No. 94.—Entitled : An Act relating to Highway Surveyors and Street Commissioners.

Senate Bill No. 120.—Entitled : An Act to pay the Town of Burlington the sum therein mentioned.

Senate Bill No. 124.—Entitled : An Act to enforce certain Rules of the Vermont State Library.

A Message was received from the Governor by Mr. DEAN, the Secretary of State, as follows :

MR. PRESIDENT :

I am directed by the Governor to inform the Senate, that he has this day approved and signed bills originating in the Senate of the following titles, viz :

(S. 18.) An Act altering the name of Samuel Sheldon Carlisle.

(S. 22.) An Act relating to Stocks in Corporations without this State.

(S. 112.) An Act in addition to an Act relating to Uniformed Militia.

And that on the twenty third day of November he approved and signed a bill originating in the Senate entitled :

(S. 40.) An Act in amendment of Chapter one hundred and sixteen of the Compiled Statutes.

And also a Joint Resolution originating in the Senate relating to the figure on the Dome of the State House.

A message was received from the House by Mr. WILLIAMS, Assistant Clerk, as follows:

MR. PRESIDENT :

I am directed by the House to inform the Senate that the Governor has approved and signed bills originating in the House of the following titles :

(H. 236.) An Act to incorporate the Rutland Gas Light Company.

(H. 275.) An Act to incorporate the Windsor Water Company.

(H. 256.) An Act to incorporate the Ethan Allen Fire Engine Company, Number Four of Burlington, Vermont.

(H. 273.) An Act to incorporate the Phoenix Slate Company.

(H. 222.) An Act in amendment of an Act entitled : An Act in amendment of, and in addition to an Act to incorporate the Barre Academy.

(H. 110.) An Act relating to Common Schools.

(H. 192.) An Act to enlarge the Powers of Montpelier Union District.

(H. 138.) An Act to incorporate the Canaan Aqueduct Company.

(H. 159.) An Act to annex a part of the Town of Sheffield to the Town of Barton.

(H. 40.) An Act entitled : An Act for the enlargement of Burial Grounds.

(H. 171.) An Act to correct an error in the Grand List of the Town of Brandon and for the relief of said Town.

(H. 150.) An Act to pay Abijah Miller, the sum therein mentioned.

(H. 229.) An Act for the relief of Trustees in cases therein mentioned.

(H. 238.) An Act in addition to Chapter five of the Compiled Statutes relating to the Promulgation of the Statutes and Legislative Journals.

(H. 268.) An Act in addition to Chapter twenty-one of the Compiled Statutes entitled Instructions to the Deaf and Dumb and the Blind.

(H. 255.) An Act to restore Charles H. Brown, Alfred Peters, Edward Parker, Wait Brown and Peter Mayo, to their Legal Rights and Privileges.

(H. 195.) An Act in addition to Chapter Forty-five of the Compiled Statutes.

(H. 74.) An Act to incorporate the Connecticut River Mutual Fire Insurance Company.

The House do not concur with the Senate in the passage of a bill entitled :

(S. 33.) An Act making an additional appropriation for a Statue of Ethan Allen.

Mr. HATCH offered the following Resolution, which was read and adopted.

Resolved, By the Senate and House of Representatives, That the 14th Joint Rule be suspended till six o'clock A. M. November, 26th inst.

(H. 270.) Mr. CHITTENDEN called up House bill entitled : An Act to secure freedom to all persons within the State, and the bill was thereupon read the third time, and passed in concurrence with proposals of amendment.

(H. 221.) Mr. CLARKE, for the Committee on Education to which was referred House bill entitled : An Act to incorporate the Coventry Academy, reported the same and recommended its passage.

Said bill was thereupon read the third time and passed.

(H. 200.) Mr. WILSON for the Committee on Claims, to which was referred House bill entitled : An Act to pay Thomas W. Silloway the sum therein mentioned, reported the same and recommended its passage.

The bill was read the third time.

And the question being—Shall the bill pass ?

It was decided in the affirmative : $\left\{ \begin{array}{l} \text{Yeas, 14.} \\ \text{Nays, 6,} \end{array} \right.$

The Yeas and Nays being demanded by Mr. RAYMOND, were taken and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BILL, CHITTENDEN, CLARKE, DAVIS, EVERTS, FRENCH, of Essex, GLEED, HATCH, NASH, NICHOLSON, PHELPS, RUMSEY, SMITH, and WILSON.—14.

Those Senators who voted in the negative, are

Messrs. CHADWICK, MASON, RAYMOND, SANFORD, WILDER and WORTHINGTON.—6.

So said Bill passed.

A message was received from the House by Mr. HINCKLEY, Assistant Clerk, as follows :

MR. PRESIDENT :

The House have passed in concurrence with the Senate, bills of the following titles :

(S. 43.) An Act regulating the Salary of Railroad Commissioner.

(S. 123.) An Act in amendment of an act approved December 6th, 1853, entitled : An Act to amend an act to prevent the traffic in Intoxicating Liquors for the purpose of Drinking, approved November 23d, 1852.

(S. 101.) An Act to pay Walter C. Stevens the sum therein mentioned.

(S. 92.) An Act in amendment of an act to prevent the traffic in Intoxicating Liquors, for the purpose of drinking, approved November 23d, 1852.

(S. 110.) An Act to incorporate the St. Johnsbury Cornet Band.

(S. 107.) An Act to exempt Highways from the operation of the Statute of limitations.

(S. 86.) An Act to provide for perpetuating testimony in Criminal Causes and in addition to Chapter thirty-four of the Compiled Statutes.

(S. 117.) An Act to incorporate the Ball Mountain Manufacturing Company.

The House have passed in concurrence with the Senate with certain proposals of amendment, bills of the following titles :

(S. 105.) An Act entitled : An Act to incorporate the Caledonia County Mutual Fire Insurance Company.

(S. 54.) An Act to amend an Act to incorporate the Windham County Mutual Fire Insurance Company, approved October 30th, 1838.

In the adoption of which amendments, I am directed to request the concurrence of the Senate.

The House have considered the amendments proposed by the Senate to the Joint Resolutions relative to Slavery and the Dred Scott Decision, and have resolved to concur therein.

(S. 54.) The Senate proceeded to consider the amendments proposed by the House to the bill entitled: An Act to amend an Act to incorporate the Windham County Fire Insurance Company, approved Oct. 30, 1838.

And resolved to concur therein.

(S. 1.) Mr. EVERTS called up the bill entitled: An Act repealing an act relating to Savings Banks, approved November 10, 1857.

Mr. HARRIS moved that the bill be laid on the table.

And the question being—Shall the bill be laid on the table?

It was decided in the affirmative: { Yeas 12.
 { Nays 11.

The Yeas and Nays being demanded by Mr. EVERTS, were taken and are as follows:

Those Senators who voted in the affirmative, are

Messrs. BILL, CHADWICK, CLARKE, DAVIS, FRENCH, of Essex, HARRIS, PUTNAM, RAYMOND, SANFORD, WILDER, and WORTHINGTON.—11.

Those Senators who voted in the negative, are

Messrs. EVERTS, GLEED, HATCH, MASON, RUMSEY, SMITH, TUTTLE, and WILSON.—11.

The Senate being equally divided, the Secretary took the casting vote of the President, which was given in the affirmative.

So said bill was laid on the table.

(S. 105.) The Senate proceeded to consider the amendments proposed by the House to the bill entitled: An Act to incorporate the Caledonia County Mutual Fire Insurance Company.

And resolved to concur therein.

Mr. DAVIS moved that the Senate take up the Joint Resolution from the House, providing for the appointment of a Committee to investigate the conduct of the Atlantic and St. Lawrence Railroad Company.

Which motion was disagreed to.

A message was received from the House by Mr. BIGELOW, Assistant Clerk, as follows :

MR. PRESIDENT :

The House have on their part passed a Joint Resolution relative to the Supreme Court of the United States.

In the adoption of which I am directed to request the concurrence of the Senate.

The House have considered the amendments, proposed by the Senate to a bill entitled :

(H. 69.) An Act in addition to an act relating to Witnesses, approved November 23, 1852.

And have resolved to concur therein.

A message was received from the Governor by Mr. DEAN, Secretary of State, as follows :

MR. PRESIDENT :

I am directed by the Governor to inform the Senate, that he has this day approved and signed Bills originating in the Senate of the following titles, viz :

(S 100.) An Act in addition to an act entitled : An Act to authorize the removal of obstructions from the north branch of Onion River and its tributaries, approved December 6, 1853, and also modifying Chapter Ninety-three of the Compiled Statutes.

(S. 121.) An Act in addition to the several acts in respect to the Militia.

(S. 118.) An Act to incorporate the Island Pond Copper Mining Company.

(S. 95.) An Act in addition to an act entitled : An Act authorizing the Selectmen of the several towns to establish Fire Districts in certain cases, approved November 11, 1854.

(S. 99.) An Act relating to Minors and Married Women.

(S. 66.) An act in amendment of and in addition to an act entitled: An Act to expedite proceedings in Chancery, approved November 10, 1857.

(S. 119.) An Act to incorporate the Rutland Academy of Music.

(S. 124.) An Act to enforce certain Rules of the Vermont State Library.

(S. 120.) An Act to pay the town of Burlington the sum therein mentioned.

(S. 35.) An Act to pay Jacob Edgerton the sum therein mentioned.

(S. 94.) An Act relating to Highway Surveyors and Street Commissioners.

(S. 45.) An Act to repeal an act passed November 18, 1856, relating to the draining of swamps and other low lands.

A message was received from the House by Mr. CUMMINGS, their Clerk, as follows:

MR. PRESIDENT:

I am directed by the House to return to the Senate, the documents received from the Senate, relative to the disagreement of the two Houses on House bill No. 269, with the respectful message that the House declines to receive the same.

Mr. FRENCH of Windsor, moved that the Secretary be directed to request the House to restore to the possession of the Senate, House bill entitled:

(H. 269.) An Act in relation to Public Buildings.

Which motion was agreed to.

A message was received from the House by Mr. WILLIAMS, their Assistant Clerk, as follows:

MR. PRESIDENT:

The House do not concur with the amendments proposed by the Senate to House bill entitled:

(H. 190.) An Act in addition to the several Statutes now in force relating to the Militia.

The House concur in the amendments proposed by the Senate to House bill entitled:

(H. 201.) An Act fixing an uniform time for holding the Annual School Meetings of the several School Districts in this State.

(H. 69.) An Act in addition to An Act relating to Witnesses, approved November 23, 1852.

MR. PRESIDENT :

I am directed to return to the Senate, House bill No. 269, with the accompanying document, with a respectful message that the House cannot receive the same in the form in which it is presented.

(H. 190.) The Senate took up the bill from the House entitled : An Act in addition to the several Statutes now in force relating to the Militia, which had been returned from the House with the amendment proposed by the Senate, non-concurred in by the House, (heretofore spread upon the Journal.)

And resolved to adhere to their said proposal of amendment.

(H. 269.) Mr. GLEED called up the Report of the Committee of Conference on the disagreeing vote of the two Houses upon House bill entitled : An Act relating to Public Buildings.

And moved that the same be recommitted to said Committee.

Which motion was agreed to.

Mr. GLEED, for the Committee of Free Conference appointed upon the disagreeing votes of the two Houses upon the bill from the House entitled : (H. 269.) An Act relating to Public Buildings, in behalf of the Senate Committee made report and the Committee were discharged.

Mr. FRENCH, of Windsor, called up House bill entitled : (H. 269.) An Act relating to Public Buildings, the same having been restored to the possession of the Senate.

And moved that the Senate insist upon their said amendment.

And the question being—Will the Senate adhere upon their amendment.

It was decided in the affirmative: { Yeas 17.
Nays 10.

The Yeas and Nays being demanded by Mr. CHITTENDEN, were taken, and are as follows :

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, BILL, BUTLER, CHADWICK DAVIS, FRENCH of Essex, FRENCH of Windsor, GLEED, HATCH, POLAND, PUTNAM, RAYMOND, SMITH, WEAD, WILDER, WILSON and WORTHINGTON.—17.

Those Senators who voted in the negative, are

Messrs. CHITTENDEN, CLARKE, EVERTS, HARRIS, MASON, NASH, NICHOLSON, PHELPS, RUMSEY and TUTTLE.—10.

So the Senate resolved to adhere to their said proposal of amendment.

On motion of Mr. GLEED, it was

Ordered, That the bill be laid on the table.

A message was received from the House by Mr. WILLIAMS, their Assistant Clerk, as follows :

MR. PRESIDENT :

The House have considered the amendments proposed by the Senate to the Joint Resolution relative to the compensation of Officers and Attendants of the General Assembly.

And have resolved to concur therein.

(H. 282.) Mr. BARTHOLOMEW, for the Committee on Finance, to which was referred House bill entitled : An Act making provision for the support of Government, reported the same, with a certain proposal of amendment thereto, and with the opinion that the bill, if amended as proposed, ought to pass.

Said proposed amendment was read, and is as follows :

To add to the bill "Sec. 6. The sum of forty-five thousand dollars is hereby appropriated for Building and Furnishing the State House at Montpelier ; *Provided*, That no part of said sum is to be taken from the Treasury, until the signers of a Bond executed February 27, 1857, in accordance with an Act of February 1857, providing for the Rebuilding of the State House, signed by Geo. W. Collamer, Erastus Hubbard and E. P. Jewett, shall pay into the State Treasury fifteen thousand dollars upon said Bond, in addition to the sum of ten thousand dollars, already paid into the Treasury, and shall apply the ten

And the question being—Shall the amendment thus proposed by said Committee be adopted?

The Yeas and Nays being demanded by Mr. CHITTENDEN, were taken, and are as follows :

Those Senators who voted in the negative, are
Messrs. CHITTENDEN, CLARKE, EVERTS, HARRIS,
MASON, NASH, NICHOLSON, PHELPS, RUMSEY,
STARK and TUTTLE.—11.

And the question being—Shall the bill be read the third time?

The Yeas and Nays being demanded by Mr. TUTTLE, were taken, and are as follows :

Messrs. BARTHOLOMEW, BILL, BUTLER, CHADWICK, DAVIS, FRENCH of Essex, FRENCH of Windsor, GLEED, HATCH, POLAND, PUTNAM, RAYMOND, SMITH, WEAD WILDER. WILSON and WORTHINGTON.—17.

Messrs. CHITTENDEN, CLARKE, EVERTS, HARRIS,
MASON, NASH, NICHOLSON, PHELPS, RUMSEY, STARK
and TUTTLE.—11

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Mr. CHITTENDEN moved that the bill be committed to a Senator with instructions to amend by striking out in Section the words "fourteen cents on the dollar," and insert in lieu thereof the words "twenty cents on the dollar."

The President entertained the motion, and the question being—Shall the bill be thus committed to a Senator with instructions to amend?

It was decided in the negative: { Yeas 6.
Nays 21.

The Yeas and Nays being demanded by Mr. CHITTENDEN were taken and are as follows:

Those Senators who voted in the affirmative, are

Messrs. CHITTENDEN, EVERTS, MASON, NASH, NICHOLSON, and TUTTLE.—6

Those Senators who voted in the negative, are

Messrs. BARTHOLOMEW, BILL, BUTLER, CHADWICK, CLARKE, DAVIS, FRENCH, of Essex, FRENCH, of Windsor, GLEED, HARRIS, HATCH, POLAND, PUTNAM, RUMSEY, RAYMOND, SMITH, STARK, WEAD, WILDER, WILSON, and WORTHINGTON.—21.

So said motion was disagreed to.

And the question being—Shall the bill pass?

It was decided in the affirmative: { Yeas, 17,
Nays, 12.

The Yeas and Nays being demanded by Mr. CHITTENDEN were taken and are as follows:

Those Senators who voted in the affirmative, are

Messrs. BARTHOLOMEW, BILL, BUTLER, CHADWICK, DAVIS, FRENCH of Essex, FRENCH of Windsor, GLEED, HATCH, POLAND, PUTNAM, RAYMOND, SMITH, WEAD, WILDER, WILSON, and WORTHINGTON.—17.

Those Senators who voted in the negative, are

Messrs. BILLINGS, CHITTENDEN, CLARKE, EVERTS, HARRIS, MASON, NASH, NICHOLSON, PHELPS, RUMSEY, STARK, and TUTTLE.—12.

So said bill was passed in concurrence with proposal of amendment.

Mr. RAYMOND, for the Committee on bills, report that said Committee had this day examined and submitted to the Governor for the approval and signature, bills originating in the Senate of the following titles, viz :

Senate bill 54—An Act to amend an Act to incorporate the Windham County Mutual Fire Insurance Company, approved October 30, 1838.

Senate bill 105—An Act entitled, an Act to incorporate the Caledonia County Fire Insurance Company.

Senate bill 92—An Act in amendment of an Act to prevent the traffic in Intoxicating Liquors for the purpose of drinking, approved November 23, 1852.

Senate bill 43,—An Act relating to the salary of Railroad Commissioners.

Senate bill 86—An Act to provide for perpetuating testimony in Criminal Cases, and in addition to Chapter Thirty-four of the Compiled Statutes.

Senate bill 110,—An Act to incorporate the St. Johnsbury Cornet Band.

The following Joint Resolution from the House was read and adopted in concurrence.

Resolved, By the Senate and House of Representatives, That the Senators in Congress from this State be directed, and our Representatives requested, to use their utmost endeavors to induce Congress to propose amendments to the Constitution of the United States to readjust the Supreme Court of the United States, so that the Judges shall more equally represent the Population of the Union.

Mr. PUTNAM, for the Committee on Bills submitted the following Report:

To the Senate now in Session :

The Committee on Bills report, that they have this day examined and presented to the Governor for his approval and signature, Bills originating in the Senate of the following titles, to wit :

Senate Bill No. 101.—Entitled : An Act to pay Walter C. Stevens the sum therein mentioned.

Senate Bill No. 107.—Entitled : An Act to Exempt Highways from the operation of the Statute of Limitations.

Senate Bill No. 117.—Entitled : An Act to incorporate the Ball Mountain Manufacturing Company.

Senate Bill No. 123.—Entitled : An Act in amendment of an Act approved December 6th, 1853, entitled : An Act to prevent the Traffic in Intoxicating Liquors for the purpose of Drinking, approved November 23, 1852.

Respectfully submitted, E. D. PUTNAM.

In Senate November 26, 1858.

A message was received from the House, by Mr. BIGELOW, Assistant Clerk, as follows :

MR. PRESIDENT :

The House concur with the Senate in the adoption of the Joint Resolution relative to the suspension of the Fourteenth Joint Rule.

The House do not concur with the Senate in the passage of a bill entitled :

(S. 61.) An Act to pay Horace Evans the sum therein mentioned.

The House have considered the amendments proposed by the Senate to the bill entitled :

(H. 270.) An Act to secure Freedom to all persons within this State.

And have resolved to concur therein.

The House have passed a bill of the following title :

(H. 10.) An Act to incorporate the Lamoille Central Academy.

In the passage of which I am directed to request the concurrence of the Senate.

(H. 10.) The bill from the House entitled : An Act to incorporate the Lamoille Central Academy, was read twice, and referred to the Committee on Education.

(H. 10.) Mr. NASH for the Committee on Education to which was referred House bill entitled : An Act to incorporate the Lamoille Central Academy, reported the same and recommended its passage.

And the third reading of said bill was refused.

A message was received from the House by Mr. WILLIAMS, Assistant Clerk, as follows :

MR. PRESIDENT :

The House have considered the amendment proposed by the Senate to House bill entitled :

(H. 282.) An Act making provisions for the support of Government.

And have resolved not to concur therein.

Mr. PUTNAM, for the Committee on Bills, reported that said Committee had this day examined and presented to the Governor for his approval and signature a bill originating in the Senate of the following title, to wit :

Senate bill No 65,—Entitled : An Act to pay A. B. Gardner, the sum therein mentioned, for services as Bank Commissioner.

(H. 282.) The bill from the House entitled : An Act making provisions for the support of Government, was taken up.

Mr. CHITTENDEN moved that the Senate recede from their proposed amendment thereto.

On motion of Mr. BUTLER, it was

Ordered, That the bill be laid on the table.

Mr. BUTLER called up the bill last named, and the question recurring on the motion of Mr. CHITTENDEN to recede from the amendments proposed by the Senate.

Said motion was agreed to, and the bill thereupon, was passed in concurrence.

Mr. RAYMOND for the Committee on Bills, reported that said Committee had this day examined and presented to the Governor for his approval and signature bills of the following titles, to wit :

(S. 121.) An Act in addition to the several Acts in relation to the Militia.

(S. 100.) An Act in addition to an Act entitled an Act to authorize the removal of obstructions from the North Branch of Onion River and its Tributaries, approved Dec. 6th, 1853, and also modifying Chapter Ninety-three of the Compiled Statutes.

(S. 119.) An Act to incorporate the the Rutland Academy of Music.

(S. 118.) An Act to incorporate the Island Pond Copper Mining Company.

(S. 66.) An Act in amendment of, and in addition to an Act entitled an Act to Expedite Proceedings in Chancery, approved Nov. 10, 1857.

(S. 99.) An Act relating to Minors and Married Women.

(S. 95.) An Act in addition to an Act entitled an Act authorizing the Selectmen of the several Towns to establish Fire Districts in certain cases, approved Nov. 11, 1854.

(S. 109.) An Act in relation to Highway Taxes, and in addition to Chapter Twenty-three of the Compiled Statutes.

Mr. CHITTENDEN, moved that the Secretary be directed to inform the House that the Senate had, on their part, completed the business of the Session, and were ready to adjourn without day.

Which motion was agreed to.

Mr. CHITTENDEN, moved that a Committee be sent to the Governor to inform him that the Senate had completed their business, and to enquire if he had any Communication to make to them.

Which motion was agreed to, and the President appointed Mr. CHITTENDEN, to perform that duty.

A message was received from the House by Mr. CUMMINGS, their Clerk, as follows :

MR. PRESIDENT :

I am directed by the House to inform the Senate that they have, on their part, completed the business of the Session, and are ready to adjourn without day.

A message was received from the Governor by Mr. DEAN, Secretary of State, as follows :

MR. PRESIDENT :

I am directed by the Governor to inform the Senate that he has received their Communication, that they have, on their part completed the business of the Session, and that he has no further Communication to make to them.

Whereupon, the hour fixed upon by a concurrent Resolution of the two Houses, for a final adjournment of the Legislature, having arrived, the PRESIDENT addressed the Senate as follows :

SENATORS:—The unanimous adoption by you of the Resolution, so courteously offered by the Hon. Senator from Essex, is but another expression of that kindness, and generous sympathy, with which I have been supported and sustained by each, and every Senator during the entire Session which is now about to close. All that I can offer in return, are the sincere thanks of a grateful heart.

I had expected your aid and co-operation* to aid my inexperience and lack of parliamentary skill, in guiding and directing the efforts and labors we were called to perform ; but my expectations have been more, much more than realized, and if my efforts as your Presiding Officer have proved in any considerable degree successful, it is owing to the uniform and constant kindness and support which you have bestowed.

We are about to separate, not all again to meet on earth, but I beg to assure you that wherever I may be, and whatever fortune may hereafter attend me, I shall always cherish a remembrance of our relations and intercourse here, with the greatest pleasure.

Hoping that your future may be prosperous and happy, whether in the public or private walks of life. I bid you all, Good bye.

Thereupon, his Honor, at 6 o'clock, Friday morning, Nov. 26th, declared the Senate Adjourned without day.

CLARK H. CHAPMAN, *Secretary.*

APPENDIX.

APPENDIX.

[Referred to on pages 44 and 45.]

REPORT OF THE COMMITTEE UNDER THE ACT PROVIDING FOR THE ERECTION OF A MONUMENT OVER THE GRAVE OF ETHAN ALLEN.

TO HIS EXCELLENCY, RYLAND FLETCHER,

Governor of Vermont:

The undersigned Committee, appointed under the act of the Legislature of this State, entitled "an act providing for the erection of a monument over the grave of Ethan Allen," approved 14th November, 1855, are happy in reporting the completion of said monument, agreeably to a plan and inscriptions submitted to and approved by your predecessor, and consisting of a Tuscan column of granite, forty-two feet in height and four and a half feet in diameter at its base, with a pedestal six feet square, in which are inserted four plates of white marble, having the following inscriptions, *to wit*:

[WEST SIDE.]

| |
|---|
| VERMONT TO ETHAN ALLEN BORN in Litchfield Ct 10th Jan A D 1737 o s DIED in Burlington Vt 12th Feb A D 1789 and buried near the site of this monument |
|---|

[SOUTH SIDE.]

The
LEADER OF THE GREEN MOUNTAIN BOYS
 in the surprise and capture of
TICONDEROGA
 which he demanded "in the name of
 the Great Jehovah and the
 Continental Congress"

[EAST SIDE.]

Taken
 Prisoner in a Daring attack on Montreal
 and transported to England
 he disarmed the purpose of his enemy
 by the respect which he inspired
 for the
REBELLION AND THE REBEL.

[NORTH SIDE.]

Wielding
 the Pen as well as the Sword, he was the
 sagacious and intrepid
DEFENDER
 of the New Hampshire Grants, and
 Master Spirit
 in the arduous struggle which resulted in the
 Sovereignty and Independence
 of this State.

The whole structure stands upon a solid foundation of stone work, five feet deep and ten feet square, and thus founded, and thus constructed of solid granite blocks from our native hills, it bids fair to stand, an unfaltering witness of the high appreciation of the State for one of her foremost and earliest patriots, through a long succession of centuries to come.

In the body of the Act above referred to, it is directed that the monument be erected "at the burial place of Ethan Allen, in Burlington." Failing to discover his remains beneath the tablet which had, for years, marked the supposed spot of his burial, and which had been carried away piecemeal by patriotic

pilgrims to his shrine, the public mind became much excited, and the most absurd rumors and statements were published, and gained extensive credence, as to his burial in various other towns ; and the abstraction of his remains by pious relatives or rapacious speculators. The Committee have never doubted as to the place of his burial ; and by an unbroken tradition, the uniform understanding of the relatives, confirmed by the testimony of undoubted witnesses who were present at his funeral, (which funeral was of a public and formal character,) it is decisively settled that that place is where the monument is erected, in what is called "Green Mountain Cemetery." The failure to find the remains beneath the tablet is, in the minds of the Committee, sufficiently accounted for by the fact that some twenty years since, the dead of the Allen family were arranged in a square enclosed by stone posts and chains, by Heman Allen, the nephew of Ethan Allen ; and this tablet, then lying upon a dilapidated wall of brick work, was reconstructed with cut stone work, and it is presumed that, as a matter of convenience in giving a regular form to the enclosure, was removed some few feet from its original position, and the Committee have no doubt that by excavating in the immediate vicinity of the monument the remains might be found ; but as doubts would probably be raised as to their identity, as it was not necessary to the faithful discharge of the duty of the Committee, and would accomplish no essential good, they instituted no examination.

The contract for the erection of this monument was made with Mr. J. P. Harrington, of South Barre, on the 15th day of October, 1856. By the terms of it, he was to accomplish the work, as before described, by the 1st day of October, 1857, for the sum of two thousand dollars, being the whole amount of the appropriation. The Committee regret the delay in the execution of the work, but in every other respect they have reason to be satisfied with the contractor, who has honorably fulfilled, and in some respects more than fulfilled, the terms of the contract, and that too, as the Committee apprehend, without the hope or realization of a full compensation. The work, to say nothing of the design, is, we think, highly creditable to the contractor, and to the State.

In the process of erecting the monument, a vacancy occurring beneath the cap stone of the pedestal, the Committee availed themselves of the opportunity thereby afforded by placing therein a stone pot securely sealed, containing the following among other articles : the newspapers of the town and of the various cities of the Union ; Allen's Narrative of his Captivity ; Appleton's Railway Guide and Maps ; the Vermont

Register ; sundry American coins, and various seeds. A more formal deposit is contemplated beneath the statue, which is hoped may surmount the column.

To carry out the suggestion heretofore made in our report, and the wishes of sundry patriotic citizens, the Committee procured the passage of an act, at the last session of the Legislature, authorizing the erection, by private donations, of a colossal statue of the Hero on the top of the column erected by the State ; and thereupon issued circulars to the citizens of Vermont, at home and abroad, asking a donation of one dollar each. The Committee have been disappointed in the response to the applications, and have received in all only some five hundred dollars. Nevertheless, a young and patriotic artist, a native of this State, Mr. Larkin G. Mead, Jr., of Brattleboro', has volunteered to make a model of the statue in plaster, which the Committee have approved, and which they think highly creditable to the artist, and which, completed in marble, will constitute, with the column, not only a highly fitting monument, but a noble work of art. Through the generosity and patriotism of a citizen of this State, a block of marble suitable for the statue has, as the Committee understand, been proffered to Mr. Mead, and the Committee hope that, through a like commendable spirit to be evinced by others, a work so honorable to the people of Vermont may be accomplished.

All which is respectfully submitted.

JOHN N. POMEROY, }
GEO. P. MARSH, } *Committee.*

Burlington, Sept., 1858.

The Report of the Committee of Invitation, together with the letter of the HON. EDWARD EVERETT, alluded to on page 76, should have been inserted here, but some person, unknown to the Secretary, took them from the table in the Senate Chamber, and has not returned them.

C. H. CHAPMAN, *Secretary.*

[Referred to on page 88.]

To the Hon. Senate now in Session :

The Committee on Claims, to which was referred Senate Bill No. 39, entitled "An Act to pay Jasper Vial the sum therein named," would report the following facts :

The Claimant was, at the time of the escape hereinafter mentioned and now is Sheriff of the County of Bennington. The claim introduced by him is annexed to this report, marked A. In April 1858, one Allen Campbell was confined in jail at Manchester, in the County of Bennington, on a charge of larceny. There were no separate cells in said jail, the sleeping room in the same was about twelve by twenty feet. The walls of the jail was stone, and about two and a half feet thick. The said Campbell, by means of a small bar of iron broke through the wall of said jail under the window in the sleeping room. The hole broken by him through the wall was about eight or ten by twenty-four inches, through which said Campbell and one other prisoner made their escape. The wall of said jail where broken was built of small stone. There was one stone found on the outside of the jail, which was crowded or pulled out at the time the jail was broken, which stone did not extend more than half way through the wall, and there were found at the time a large number of small stone in the inside of the prison. At the point where the jail was broken there was no stone extending through the entire thickness of the prison wall, and the wall was not bound together so as to require much labor to break it. From the foregoing facts your Committee are of opinion that said jail was not, at the time the same was built, nor at the time it was broken, as aforesaid, sufficient to prevent the escape of prisoners.

The said Campbell was recaptured in the Western part of the State of New York, brought back to the County of Bennington where he was tried, convicted and sentenced to the States Prison and he is now in said prison.

The money charged in the annexed account was paid out by the claimant in the recapture of the said Campbell, and the

charges are reasonable, and if the Senate, on the foregoing facts, decide that the foregoing claim be paid, then the same is allowed at eighty-three dollars.

WILLIAM C. WILSON, for Committee.

"A"

Money expended for the recapture of Allen Campbell, May 1858, by J. Vial.

| | |
|--|---------|
| Cash paid for telegraph, M. B. Goodwin, | \$3,00 |
| A. P. Lyman, - - - - | 2,75 |
| Printing advertisements, - - - - | 2,00 |
| Circulating the same, - - - - | 50 |
| William Brownson, - - - - | 3,00 |
| H. P. Utley, - - - - | 2,00 |
| Geo. S. Stone, - - - - | 2,50 |
| Horse hire, - - - - | 4,50 |
| Expenses, - - - - | 5,25 |
| Paying Thomas V. Ellis and others for arresting and keeping, | 25,00 |
| Expenses to Western N. Y. and bringing Campbell to Manchester, - - - - | 33,50 |
| | <hr/> |
| | \$83,00 |

[Referred to on page 99.]

REPORT ON THE GEOLOGICAL SURVEY.

TO HIS EXCELLENCY, RYLAND FLETCHER,
Governor of Vermont.

SIR:—

Agreeably to my instructions, I have the honor to present my Second Annual Report, as State Geologist.

Like the last, this Report will be brief, and consist of a statement of what myself and assistants have been doing during the year, with suggestions as to the future. I have supposed it to be understood that we should not attempt to give any detailed description of the rocks of the State, till our Final Report. Our time has been occupied in obtaining materials for that Report, and we are now ready to enter upon its preparation.

Last year, I suggested the desirableness of pushing the Survey with so much energy, that the essential part of the explorations abroad should be completed by the present time; and I pledged myself that this should be done, if the annual appropriation were increased to fifteen hundred dollars. As this was not done, the question came up, Shall we, nevertheless, attempt to accomplish an object so desirable? We knew that the usual appropriation of one thousand dollars would probably have been entirely exhausted by our expenses, leaving nothing for services, either to myself or assistants. We determined, however, to take this course, not doubting that we might depend on the liberality and generosity of the State as to a compensation, provided its Legislators shall see evidence, in our reports and collections, that we have been faithful in the work. Two and sometimes three parties have, therefore, been in the field during most of the summer. We entered into an arrangement with the Rev. S. R. Hall, of Brownington, who was early associated with Professor Adams in the Geological Survey, to go over the three northern sections, giving special attention to the north-east part of the State, which had never been but imperfectly examined. For this service he is to receive the moderate sum of seventy-five dollars; and as he is quite familiar with the geology of the State, especially its northern part, he was requested to extend his report as far south as he should choose, and present some views upon Ag-

ricultural Geology ; although that subject was not included in my commission.

The rest of us have been employed in reviewing and finishing the sections commenced last year, and in measuring several new ones ; so that fourteen are now completed. The specimens collected for the State Cabinet now amount to several thousands : the exact number we cannot specify, because the room in the new State House, where they are to be displayed, is yet unfinished ; and therefore, the specimens, though chiefly sent to Montpelier, are still in boxes. We have, also, been endeavoring to fix more accurately the outlines of the different rocks, on the Geological Map, and to look up new facts of economical importance.

We have, likewise, made some progress in that most difficult of all the problems in Vermont Geology, to determine what the rocks were before they were metamorphosed. It is not very difficult to give an appropriate name to these rocks in their present condition but every careful observer finds that they have, almost without exception, undergone important changes ; and the inquiry is, What were they before the change ? Or, to make the question, more specific, Are the non-fossiliferous rocks of Vermont merely the fossiliferous strata of New York metamorphosed ? And if so, Can we identify the varieties of the crystalline rocks of Vermont with those of the New York series ? It may seem of little practical importance to determine such points. Yet in fact, questions as to the useful substances that may be expected to occur in particular rocks, can sometimes be answered only by tracing them back through the mazes of metamorphism to their origin. We hope to be able to do this to some extent ; but in some cases, with the light we now have, the identification will be little better than conjectural.

It will be needless to go into detail as to all the points to which our attention has been directed, during the year. The result of the whole is, that by our extra efforts we feel prepared to enter upon the preparation of a Final Report. We cannot, indeed, settle all the scientific questions that relate to the rocks ; but we hope to be able to give a fair view of them. So far as their economical value is concerned, we trust we have the materials for its full elucidation ; and this we suppose to be the chief object of the survey. We hope, also, to present not a little that will be interesting to the enquiring and scientific.

I do not mean that there are no points in the Geology of the State which do not need further examination. We know of several such points, and of importance too, about which we are still very much in the dark. But the examination of those

can be made while we are proceeding with the preparation of the Report. Other points, also, will doubtless suggest themselves as we get the specimens in their proper order, and as we transfer to paper the labors of the past summer.

The subjects that have received less attention than they deserve, are the following:—

1. *The Mineral Springs.*—I should judge there might be ten or twelve of those, important enough to demand an analysis. But analysis cannot be made without expense, and hitherto we have had no money to devote to the mineral springs. A part of their analysis (the determination of the gaseous ingredients,) must be made at the springs, and a part in the laboratory. I think it could be done for about \$8 or \$10 for each spring, exclusive of traveling expenses. If the Government wish this work done, the Chemist of the survey will see that it is accomplished, without delaying the preparation of the Report.

2. *Analysis of other substances.*—In the course of the survey, not a few analysis have been obtained; but during my connection with it, no charge for them has been made, because I knew that no money could be spared for this purpose. It has been left, therefore, with the Chemist of the survey, to secure as many analysis as he felt willing to execute without compensation. But many substances remain without analysis, whose composition might be of great use, both economically and scientifically. I think that one or two hundred dollars would enable the Chemist to obtain the most important of these analysis.

3. *The scenery.*—I cannot believe that the citizens of Vermont will be willing to have a Geological Report appear, that does not contain at least a few sketches, of the fine scenery for which the State is so well known; especially when those sketches can be taken where they will afford fine geological as well as scenographical illustrations. We have not, however, employed any one to make such sketcher, for the reason specified under the last head; although a competent artists is ready to do this work, charging only for his traveling expenses. If fifty or seventy-five dollars were at our command, I think we might secure at least a dozen views, that would not only attract the tourist but the geologist.

I think, then, that 300 or 400 dollars would secure the accomplishment of the three objects above specified; I mean that sum as an extra appropriation. For I think the Government will see that the usual sum devoted to the survey will not be sufficient for the purpose. Whether the objects be worth the outlay, the Legislature must judge.

4. *Surface Geology.*—As the bearings of this subject are almost wholly scientific, we have not thought it proper to devote but very little time exclusively to it; but have, nevertheless, collected many facts in surface geology while at work upon things more essential. Yet the deficiencies are numerous. We shall not be able, for instance, to map the terraces along but a part of the rivers; nor to give but a part of what we regard as sea beaches and sea bottoms, when the continent was under the ocean; nor to trace out only a few of the old river beds of a former continent. But we hope to present enough of all these and similar phenomena, to answer as specimens, and stimulate others to hunt up more. And we do not think it a sufficient reason for delaying our Report, because we might find a greater number by delay.

5. *The identification of metamorphosed rocks with known fossiliferous strata.*—I have already described the great difficulty of this work, yet we find, from year to year, that the leaves of the rocky volume are slowly opening, and the papyrus unrolling. I doubt not that, were the survey to be continued longer, each year would add something to our present imperfect knowledge. Yet perhaps the interest which we hope to awaken by what we shall present, may do as much as our continued labors.

6. *An examination of the regions bordering on Vermont.*—On the South, the Vermont rocks extend into Massachusetts and New York, and on the North into Canada. On the West and East the rocks of New York and New Hampshire are intimately connected with those of Vermont. It is fortunate that those of Canada, New York and Massachusetts, by means of the Geological Surveys that have been executed in those States, have been mapped. But, as every geologist knows, we ought to have opportunity to examine them for ourselves, in order to compare them with those of Vermont. Without such examination to some extent, indeed, no geologist would feel safe in deciding upon the character of the latter. The rocks of Canada, especially, ought to be examined; since the Vermont rocks extend into that province and are there less metamorphosed. But we have not done it to much extent. Indeed, the only explorations we have made out of the State, have been, to pass once to the top of the White Mountains, carrying thither one of our sections; and extending another a few miles West of Lake Champlain. Had we the means, most gladly would we make these border explorations; and we doubt not that the Vermont survey would reap the benefit.

In spite of these and similar deficiencies, I judge that the most important objects of a Geological Survey, which the State has had in view, are now so far accomplished that we

may set about arranging our materials for a Final Report, provided that, while engaged in this work, we may be allowed to go abroad, occasionally, to get more light on certain unsettled points, and resolve other questions that will undoubtedly arise, when we can see all the specimens arranged in their true places in the State Cabinet, and attempt to transform our field notes to Sections and Maps. Several years more of exploration would, indeed, be necessary, to enable us to make a Report entirely satisfactory to ourselves. But we trust that we are sufficiently masters of the Geology of the State not to do discredit to ourselves, or dishonor to the Commonwealth.

I might allude to more personal matters, as a reason for entering at once upon the preparation of our Report. It is certainly desirable to do it while the Geological Corps is unbroken. For it has been understood that each man should report upon some particular department of the survey, and this has turned the attention of each one to his specified department, and he can probably do it more justice than any other person. I know enough of the plans of some of our number, to suppose that they do not feel able to devote more than one year more to this work; and the frailty of my own physical system admonishes me not to make much calculation upon the future for the performance of labor.

It is presumed the Government will wish me to present as definite a description and outline of the Report which we propose to make, as I am able to do. The following synopsis will give an idea of the work, as it at present lies in my mind. I would reserve the right, however, to modify its subordinate parts, should further reflection make it desirable.

SCIENTIFIC GEOLOGY.

1. A brief outline of the leading principles of Geology; *ex. gr.*, *a* Stratified and Unstratified Rocks; *b* Palæontology; *c* Surface Geology; *d* Metamorphosing rocks fully considered.

ROCKS OF VERMONT.

1. *Stratified.*

1. Alluvium, or Surface Geology.

1. Drift.

a Common Drift; *b* Drift Striæ; *c* Embossed rocks; *d* Boulders; *e* Crushed ledges; *f* Trains of angular Blocks.

2. Modified Drift.

a Ancient Beaches; *b* Terraces; *c* Moraine Terraces; *d* Old Sea Bottoms; *e* Ancient Glaciers, (their striæ and moraines;) *f* Pond Ramparts; *g* Old river Beds; *h* Vallies of Erosion; *i* Clays; *j* Marl; *k* Peat; *l* Bog Iron Ore; *m* Wad, (manganese;) *n* Fossil Marine Shells; *o* Fossil Cetacea; *p* Fossil Mammalia.

2. Tertiary Deposits; *a* Kaolin and colored Clays; *b* Ochres; *c* Limonite, (brown hematite); *d* Manganese; *e* Fossil Fruits; *f* Brown Coal.

3. Silurian Rocks.

a Potsdam Sandstone; *b* Calciferous Sandrock; *c* Chazy Limestone; *d* Trenton Limestone; *e* Utica Slate; *f* Hudson River Group.

4. Metamorphic Rocks, schistose, slaty and massive, (probably Silurian and Devonian Rocks originally.)

a Gneiss; *b* Mica Schist; *c* Talcose Schist; *d* Argillaceous Slate; *e* Quartz Rock; *f* Hornblende Schist; *g* Soapstone; *h* Serpentine.

5. Hypozoic Rocks, (Laurentian); *a* Gneiss.

2. Unstratified Rocks.

1. Gronite.

a Common; *b* Concretionary; *c* Conglomerated; *d* Porphyritic; *e* Graphic; *f* In Veins.

2. Syenite.

a Common; *b* Conglomerated and Brecciated; *c* In Dykes.

3. Porphyry.

a Granitic; *b* Trachytic.

4. Trap.

a Augitic; *b* Trachytic.

5 Dykes and Veins.

a Granitic; *b* Porphyritic; *c* Trappous; *d* Quartzose; *e* Calcareous; *f* Epidotic; *g* Metallic.

2. ECONOMICAL GEOLOGY OF THE STATE, or substances useful to the arts.

a Limestone as a fertilizer; *b* as Cement; *c* as Marble; *d* Soapstone; *e* Serpentine; *f* Granite; *g* Flagging Stones; *h* Roofing Slate; *i* Iron; *j* Copper; *k* Lead; *l* Gold; *m* Chrome; *n* Nickel; *o* Titanium; *p* Manganese; *q* Iron Pyrites; *r* Ochres; *s* Clays; *t* Quartz; *u* Feldspar; *v* Brown Coal; *w* Whetstones; *x* Hones; *y* Marl; *z* Peat; *aa* Mineral Springs.

3. DETAILED REPORTS.

1. On the Sections generally. By Charles H. Hitchcock.

2. On the three Northern Sections, with applications to Agriculture. By Rev. S. R. Hall.

3. On the simple Minerals of the State. By Edward Hitchcock, Jr.

4. On the Chemistry of the Survey. By Charles H. Hitchcock.

5. On the Economical Geology. By Albert D. Hager.

As to the size of a Report drawn up according to this outline, I think it would form a quarto volume of some 5 or 600 pages, perhaps some less—possibly larger. I must be more indefinite as to the number of Plates. There must be, first, a

Map of the General Geology ; next, a Map of the Surface Geology ; next, 14 or 15 Sections, occupying, say three or four plates ; next, (if possible to obtain them,) 10 or 12 views of Scenery, two of which might generally be put upon a plate, making six plates more. If it should be thought best to figure all the organic remains found in the State, as well as many of the curious concretions in the newer deposits, it would require quite an addition to the plates. But I judge that if we increase the number already mentioned, (say twelve,) to twenty, it would be sufficient. That number might be conveniently bound with the text into one rather thick quarto volume. Besides these plates, I think that probably 200 wood cuts would be required.

I have made these estimates in the belief that the Government would wish to know what sort of a Report we have been proposing to make out. A smaller one, with fewer illustrations, might, indeed, be prepared. But I have presumed that Vermont, taking a prominent place as it does among the States, in its subterranean resources, and in the scientific interests of its rocks, will not wish to fall behind them in the manner of exhibiting its geology. I would, indeed, practice a strict economy in this manner. But I cannot believe that it will be creditable to the State, or in accordance with the wishes of its enlightened citizens, to bring out a meagre and stinted account of its geology ; and such I think it must be, if on a much less scale than the above estimate. I am unable to state the cost of getting out such a volume ; but from the details given, I presume that those familiar with such matters could determine the expense approximately.

I have another object in this attempt at definite statement ; viz. to ascertain the wishes of the Government. For if they do not approve of our plan, we shall be glad to know it, and thus be saved much useless labor.

As to the time requisite for the preparation of such a Report as I have indicated, much will depend upon health, and the greater or less number of unsettled points we may find requiring re-examination. But it would be unreasonable, if I may judge from experience, to expect that such a volume could be got ready for publication, (should the Government wish to publish it,) in less than a year. If, however, they choose to refer the question of the publication of the Report to a Committee, with power to proceed with the work as soon as a part of it is ready, if they should judge it worthy, the work might be got out several months earlier than otherwise. This course has been adopted once or twice by the Government of Massachusetts, in similar cases, and with such a result as I have indicated.

Allow me to make a few suggestions as to the arrangement of the specimens, collected by us, in the State Cabinet. I have been shown the room in the new State House, which is understood to be appropriated to this object, and I have supposed that without doubt the specimens of rocks illustrating the Sections, would be placed upon the walls. If the South wall and the West wall, as far as the door, were to be used for this purpose, I would suggest the following arrangement: Along the line of the Sections, it may be remembered, the greater part of the specimens were collected. Suppose we begin with Section No. 1, near the bottom of the wall. Let a space, say six inches wide, be marked across the wall, leaving room enough beneath the strip for one, two or three shelves, on which in the order in which they were collected, all the specimens obtained on that section may be placed. In the strip above them, let the section itself be painted, each rock having its proper thickness and dip. Section 2nd may be placed in like manner immediately above section 1. and one, two or three shelves be put beneath for specimens, according to their number; and so on till all the sections are placed upon the wall, one above the other.

* * * * *

I have never seen one like it; but it seems to me as if a cabinet, thus arranged, would give visitors, at a glance, an idea of the Geology of the State, and enable them at once to determine what the rock is, in any particular district.

I know not how soon the room in the State House, appropriated to the Cabinet, may be so nearly finished that we can display the specimens in it, even upon the floor. If not till next summer, it may delay our Report, since we need to examine the specimens, lying in their proper order, before we are able to describe them, or discover deficiencies. If they must be kept in boxes till next year, I beg leave to suggest the expediency of obtaining an insurance upon them, which would be some consolation, should they share the fate of the previous collection. I think it a moderate estimate to say that the cash value of the whole cannot be less than \$1500; though it would cost more than that probably, to obtain another like it.

Our expenses, the present year, up to this time, have amounted to *Seven Hundred and Thirty Seven Dollars and Twenty-five cents*. This leaves a balance of \$262,75 for compensation. I divided it between my two assistants, (A. D. Hager and Charles H. Hitchcock,) whose whole time is given to the work, making *One Hundred and Thirty-one Dollars and Thirty-seven cents to each*.

I have spent over six weeks in the field, this season, but shall present no bill except for expenses. As to compensation

for services, I shall leave it to the liberality of the State, when the work is done. At this time, I ask only that the annual appropriation of One Thousand Dollars, which the Act for completing the Survey directs to be paid, "until otherwise ordered by the Legislature," be continued another year

With high respect,

Obediently yours,

EDWARD HITCHCOCK.

Amherst, Oct. 12th, 1858.

(Referred to on Page 126.)

REPORT OF COMMITTEE ON ROADS.

To the Senate :

The Committee on Roads, to whom was referred Senate Bill No. 73, entitled: "An Act to amend the Charter of the Vermont and Canada Railroad Company," approved October 31, 1845, respectfully report :

That in conjunction with the Committee on Roads of the House to whom was referred a like bill of the House your committee having considered the matter of said bill, and having heard the testimony and the points made by counsel, representing the several interests to be affected by the action of the Legislature in the premises, we find the material facts to be as follows :

In 1843 the Rutland and Burlington Railroad Company (by the name of the Champlain and Connecticut River Railroad Company) and the Vermont Central Railroad Company were chartered ; the line of each starting at Connecticut River and terminating at Lake Champlain.

The Charter of the Rutland and Burlington Railroad Company made Burlington in terms the terminus of that road, while the Charter of the Vermont Central, without doubt intending the same thing, employed a less distinct form of expression to indicate its Lake terminus, viz : "From some point on the eastern shore of Lake Champlain, thence up the Valley of Onion River, and extending," &c. (See Acts of 1843.)

All parties and all interests concurred in the granting of both Charters, and from the Legislation of that period and since, it is apparent that it was the purpose of the Legislature in the chartering of the two companies, the one for the west and the other for the east side of the mountains, but necessarily rivals with each other as respects the markets beyond the line of each, to place them on an equal footing as far as might be, giving neither an advantage in legislation over the other.

In the summer of 1845, it was claimed by the Vermont Central, that by reason of the language of its Charter, it had the right to extend its line to the shore of Lake Champlain at any point between Burlington and Canada line, and so had an advantage over the Rutland and Burlington for a Northern connection and business. Thereupon the Rutland and Burlington Railroad Company applied to the Legislature of that year to grant it the right to extend its road from Burlington to Canada line and west line of Grand Isle county, so as to connect with certain lines of railroad to be built to Ogdensburgh and to Montreal, and thus make its rights under its charter equal to those claimed and put forth by the Central under its Charter. A bill to this end was introduced into the House of Representatives. Thereupon certain citizens of Franklin County came to Montpelier and conferred with the friends of the Rutland and Burlington Railroad Company and the Vermont Central Railroad Company; proposing a Charter for an Independent Corporation. Upon such consultation, and by the mutual consent and agreement of all interests, the Charter of the Vermont and Canada Railroad Company was granted, and the application of the Rutland and Burlington was no further pressed.

It was proved to your Committee, that the Vt. & Canada Charter was the result of a compromise; that the terms and phraseology of the first, second and fifteenth sections were adjusted upon mutual consultation, and by the mutual agreement of all parties in interest; and that it was intended and understood that the Vermont and Canada should by Charter and in its operations afford equal facilities to the Rutland and Burlington and the Vermont Central, giving neither an advantage over the other.

This purpose is distinctly indicated in the language of the Charter, viz: That it shall connect with the Rutland and Burlington "at the village of Burlington," and that the adjustments of the road shall be such with respect to the Rutland and Burlington and the Central as to "secure no unreasonable advantage of one corporation over the other."

The Rutland and Burlington road was constructed so that cars run over its whole line in December, 1849, and the Ver-

mont Central ran over the whole length of its line in the summer of 1850—Burlington being the terminus of each road.

In the summer of 1849 the managers of the Vermont & Canada road began to avow the purpose to lease their road to the Vermont Central Road, thus to put its management entirely into the hands of a road, whose only aim would naturally be to monopolize to itself all the advantage intended by the Legislature to be extended equally to the Central and Rutland & Burlington Roads.

Hearing of this, the Directors of the Rutland and Burlington road on the 6th day of August 1849, sent to the Directors of the Vermont & Canada road a formal protest against this contemplated arrangement.

On the 15th of August, 1849, at a meeting of the stockholders of the Vermont Central, called to act upon the proposed lease, the Rutland and Burlington interest was represented, and then again protested against the giving or taking of such lease. In the mean time, an injunction had been obtained from Chancellor Royce, prohibiting the Vermont Central from using its funds, or pledging its credit in the construction of the Vermont & Canada Road.

The stockholders of the Central, however, voted to receive the lease, and the Directors of the Vermont and Canada executed it August 24, 1849. This lease was to run 25 years, but in the spring or summer of 1850, its provisions were changed so that it was to continue 50 years, and the Central were to keep it in repair, stock and run the road, and pay as rent 8 per centum per annum on the cost of construction of the Vermont and Canada Road. This enabled the Vermont Central to operate a continuous line from Windsor to Rouse's Point, thus destroying entirely that independent position contemplated for the Vermont and Canada through which it was expected to give equality of privileges and benefits to the Central and Rutland & Burlington Roads, and to eastern and western Vermont. To secure the fulfillment of its obligations to the Vermont and Canada, specified in that lease, the Vermont Central mortgaged its entire property, both real and personal. Feeling that this transaction might result in the Rutland and Burlington Road being deprived of the benefits intended when the Vermont and Canada was chartered, the friends of the Rutland and Burlington Road applied to the Legislature in the fall of 1849, for the right to extend their road north to Canada line. This application was opposed by the managers of both the Canada and Central, on the ground that they had the grant to build north from Burlington and connect the Vermont and Canada at the most convenient point in the village of Burlington with the Rutland and Burlington Road, and that it was

not only their right but their duty to do, and they intended without fail to do it.

In 1850 the Rutland and Burlington Road again applied to the legislature for power to extend their road to Rouse's Point, and an act was passed giving them that right; and in February, 1851, the stockholders of that company voted unanimously to accept that grant. The passage of this last act was opposed by the Vermont and Canada and Central Roads, for the same reasons urged the fall before, though in it was a grant to the Vermont and Canada road to bridge the lake at Rouse's Point, which provision they did not accept.

The Rutland and Burlington stockholders proceeded, under that act, to cause a preliminary, final and locating survey to be made over that route, in the winter and spring of 1851, and arranged land damages a large portion of the way; also created and got taken over seventy thousand dollars of new stock pledged to such extension, and by creating \$1,800,000 bonds, secured by a first mortgage on their whole road and personal property, a part of which was to be applied to this extension, the Rutland and Burlington Rail Road Company was then in a condition to prosecute and finish that work, but in the month of May of that year they were arrested from so doing by an injunction granted by Chancellor Bennett, on the application of a nominal owner of five shares of Rutland and Burlington stock, who was an employee of the Vermont Central, and acted under their directions in instituting the suit, prohibiting the Rutland and Burlington Railroad Company from using its funds or pledging its credit to build the road north of Burlington.

The Directors of the Vermont and Canada, at all times until the past year, have acknowledged their obligation under their Charter to build a branch of their road into Burlington, and have from time to time admitted that good faith required them to do it.

In December, 1853, Hon. John Smith, then President of the Vermont and Canada, by a written report made to his board of Directors, called their attention to this matter, and then called their attention to the time in which it was to be done; that their Charter imposed it on them as an unquestionable obligation; that duty to themselves, the southern line of railroads from Burlington, and the people of Western Vermont required it to be done. He called their attention to the facts, that their lease to the Central bound them to lease this new line, when built, to that company, and also bound the Vermont Central Company to take and keep in repair, use, run and manage it, and pay rent on its cost, precisely agreeable to the terms of that instrument in relation to this road, thus built and

being run by the Central; and stated that that clause had been put into the lease by the advice of Hon. B. R. Curtis, of Boston who had, at an early day, advised them that their Charter required the Burlington connection to be built. That report concluded with a recommendation to appoint a Committee of the Vermont and Canada Board, with full power to employ a competent engineer to make, ascertain and survey such route as such Committee might deem best. The Directors thereupon voted that said report be accepted and recorded. The Directors also voted unanimously that they fully concur with the President in the opinion that it is not only necessary, but expedient, that the addition required by the Charter of the Vermont and Canada should be built at an early day, and that the President communicate to the Directors of the Vermont Central the views then expressed by the Directors of the Vermont and Canada. And the President, and Mr. Brainerd, and Mr. Clark, were appointed a Committee, with full powers to cause the necessary surveys to be made.

That soon after a survey was made by H. R. Campbell, a competent engineer, of a route from Burlington, by the head of Mallett's bay, to the Vermont and Canada track in Milton. He also examined a route more westerly, and others more easterly. He also offered, in good faith, to build the road on said westerly route, at a fair estimated cost, and take his whole pay in the stock of said company at par. At this time, many of the large stockholders in the Vermont and Canada, living out of this State, were also large holders of the mortgage bonds of the Vermont Central. The proposition was informally submitted to some of the large stockholders of the Vermont and Canada to create additional stock to build this new piece of road, and they refused to assent to it. It is due to the principal stockholders of the Vermont and Canada, residing in Vermont, to state that they wished the new stock created but were overruled by the foreign stockholders in that company, and as a large majority of the stock was owned without the State, the additional stock was not created.

Aside from a survey, the Vermont and Canada have done nothing toward connecting their road with Burlington, and manifest no purpose so to do, but connected their road with the Central at Essex at an early day, and both are run as one line. No connection has been had with Burlington or with the Rutland and Burlington road, except by the Central, through a branch of its line extending from Essex to Burlington. This piece of road was originally projected by the Central to reach Burlington by a route every way more convenient to the public and to the Rutland and Burlington road than the present one.

Upon this first route north and east of the village, through the sand ridges of the lake, over \$30,000 was expended, when it was abandoned for the present route in Burlington, which, to the public as well as to the Rutland & Burlington road, is as embarrassing as possible. It is longer by a mile than the first contemplated route, runs on sharp, hard curves, and on grades up and down of from 105 to 110 feet per mile, and crossing every main street in Burlington, and part of them twice. The grade when it was first projected was not over 45 feet per mile.

This is no such connection as is demanded by the Vermont and Canada Charter, nor in the opinion of your committee is it any tolerable substitute for it. There is, therefore, no through line from Canada and Ogdensburgh to Burlington and points south.

All freight passing on the Vermont and Canada to and from the Rutland and Burlington road, has to change cars at Burlington, and is all subject to pay *local* freight over the Vermont and Canada, which is a serious injury to the public.

No connections have been made with the Rutland and Burlington road by the Vermont Central that would tend to accommodate travel over the Rutland and Burlington road; and the passengers going or coming on that road have been charged local fare over the Vermont and Canada, and even at that rate through tickets have not been given or received by the Vermont and Canada to or from passengers passing over the Rutland and Burlington Road, for some years past. During the close of navigation on Lake Champlain, those desiring to travel on or do business over the Rutland and Burlington road have had no outlet north from Burlington except by being subject to those inconveniences and this high tariff of local fares. The time of the Central cars reaching and leaving Burlington has been, at all times, arranged especially to promote their interest, at the expense and loss, at times, of the Rutland and Burlington road, and to the great inconvenience of those who must get to or from that road. During the past summer the Central passenger cars left Burlington at five o'clock P.M., went seven miles to Essex Junction, and there waited till six o'clock, P.M., while the time required for running from Burlington to Essex Junction was only thirty minutes; and, by this early leaving Burlington, compelled the Rutland and Burlington road to run an extra express train to Burlington, in order to get its passengers in so as to go north that night. This cost the Rutland and Burlington road over seventy-five dollars per day over five months. The Central assigns, as a reason for this apparently inexcusable wrong, that they contracted with the Steamboat Company to leave Burlington at

that hour, and must do it or break their contract, though it would otherwise have been as well for them to leave at twenty-five or thirty minutes after five, and have thus saved the Rutland and Burlington road the expense of a daily train. Their contract with the boat Company was as they claim, that the Central cars and boat should each leave at five o'clock P. M.

For four years past, it will be seen that Western Vermont has been deprived of any reasonable through connection with Canada and Ogdensburgh, and all parts north of Burlington; and during the close of Lake navigation, freight and passengers, to avoid high local freight, from all points north of Burlington, wishing to go to New York, have to go by the way of Springfield, seventy miles further than by Rutland and Troy, and very much of it is diverted to other lines of railroad through the State of New York.

The present President of the Vt. & Canada testified before your Committee, that he did not know that the present Directors of that Company had any purpose to build this connection with Burlington, even if the Charter was extended, nor could he say that he had any purpose of the kind.

But your Committee are unanimously of the opinion, that good faith to the Rutland and Burlington Railroad and more especially to subserve the interests of all Western Vermont, requires that if their Charter is extended, it be on condition, that that extension be built, and on such terms as shall ensure its speedy construction.

Your Committee therefore recommend to amend the bill by striking out all after the enacting clause, and inserting the accompanying amendment. And also to amend the title to the bill by substituting the following:

"An Act in addition to, and in amendment of an act to incorporate the Vermont and Canada Railroad Company, approved October 31, 1845, and when so amended are of opinion that the bill ought to pass. The amendment in all of its provisions having been unanimously agreed upon by them in conjunction with the Senate Committee upon the same subject.

The route indicated by the bill, by the head of Mallets Bay, is the one believed to be the "most convenient one for meeting at the village of Burlington," and it is the one that was designated by the Vt. & Canada and also fixed upon by the Rutland & Burlington—and according to the testimony given before your Committee is every way feasible—and not more expensive than the average line from Rouse's Point to Essex. The estimated cost of that main line is claimed by Vt. & Canada to have been \$1,350,000, which is less than \$30,000 per mile.

The route mentioned in the substitute is about 11 miles and can be built for about \$300,000.

The Central paid its rent till June, 1, 1854, since then it has not, and there is now due from the Central to the Vt. & Canada for rent \$496,000, and the Vt. & Canada are out of debt, never having as yet to mortgage their road.

By the terms of the lease, the Vt. & Canada have right to the possession of the Central to run, till from its earnings all back rent is paid up, and the Central is bound to pay the same rate per cent. for the expense of the addition to connect at Burlington.

The provisions that money shall be expended on said connection the first year seems necessary in order that the interest of the Vermont and Canada to act in good faith in the future, and complete the connection, may be evinced. And that the Rutland & Burlington road, until such extension is completed, should have as good a connection as it is possible for the Vermont and Canada to give them over the present lines, no one will deny.

I. E. BUTLER, *For Committee on Roads.*

(Referred to on Page 127.)

AGREEMENT BETWEEN STATE OF VERMONT AND
MRS. THOMPSON.

This certifies that I, Phœbe Thompson, Executrix of the last will and testatment of Zadock Thompson deceased, have this day sold, assigned and transferred unto the State of Vermont for and in consideration of the sum of one thousand dollars, to me in hand paid, the receipt whereof I do hereby acknowledge, the Cabinet of Collections and Specimens in Natural History, Geology and Mineralogy and Fossils belonging to the estate of the said Zadock, hereby including in said cabinet all the articles and specimens, together with the drawers, cases and shelves, containing those contained in the upper room in the house or shed back of my house in Burlington Vermont, which is now and has for several years been used as a museum, &c.

And I hereby agree to and with the State of Vermont that said Cabinet may remain where it now is until the State House at Montpelier shall be completed so as to be ready for its removal into said State House, and I agree to give to the said Cabinet all the attention until it shall be so removed, which may be necessary to preserve it from the attacks of insects, vermin, mice, and rats, but I am not to be responsible for any loss or injury which may happen to said Cabinet by reason of fire, robbery or theft. And I further agree to furnish to the State of Vermont a Catalogue or Schedule of the articles of said Cabinet at or before the first day of September next.

In witness whereof I have hereunto set my hand this second day of January, A. D. 1858, at Burlington, aforesaid.

Signed, PHŒBE THOMPSON.

Executrix of Zadock Thompson, deceased.

(Referred to on pages 136 and 228.)

COMMITTEE ON MILITARY AFFAIRS.

To the Senate now in Session :

The Committee on Military Affairs to whom was referred the report of the Quarter Master General, make the following report :

That they have had the same under consideration and are of opinion that no further legislation is necessary upon the subject, and ask to be discharged from the further consideration of the subject.

E. D. MASON, for Committee.

[The "Report of the Quarter Master General," named herein, was not returned by the Committee to the Secretary, and is not therefore printed in the Appendix.] SECRETARY.

(Referred to on Page 165.)

NINTH ANNUAL REPORT OF THE NATIONAL LIFE INSURANCE COMPANY.

To the Honorable Legislature of Vermont :

In compliance with the provisions of its Charter, the Officers of the National Life Insurance Company, have the honor to submit the Ninth Annual Report of the affairs of the Company, showing its condition, Oct. 31, 1858.

RECEIPTS.

| | |
|--|--------------|
| Whole assests as per report of Oct. 31, 1857 | \$177,256,31 |
| Receipts since for premiums, | 40,223,48 |
| Receipts since for interest, | 12,559,47 |
| | <hr/> |
| | \$230,039,26 |

DISBURSEMENTS.

| | |
|--|--------------------|
| Paid claims by death, | 10,460,36 |
| “ Salaries and rents, | 2,976,62 |
| “ for surrendered policies, | 1,493,33 |
| “ Agents commissions, | 2,564,65 |
| “ dividends on stock, | 4,404,56 |
| “ printing, Directors expenses, postage, | |
| Stationery, Doctor's fees, &c., | 804,51 |
| Reimbursed Capital Stock, | 7,000,00 |
| | <hr/> |
| | 29,704,03 |
| Balance, being present resources of Company. | <hr/> \$200,335,23 |

ASSETS.

| | |
|---|--------------|
| Loans on Mortgages, | \$115,321,57 |
| “ “ Collateral, | 1,784,66 |
| Bank Stocks, | 25,798,67 |
| Rail Road Bonds and Stocks, | 8,076,50 |
| Premium notes secured by collaterals, | 40,472,07 |
| In hands of Agents in course of transmission, | 6,841,97 |
| Cash on hand, | 2,039,79 |
| | <hr/> |
| | \$200,335,23 |

JULIUS Y. DEWEY, *President.*GEO. W. REED, *Secretary.*

MONTPELIER, Nov. 3, 1858.

STATE OF VERMONT, }

Washington County, ss. } Personally appeared Julius Y. Dewey, President, and George W. Reed, Secretary, and made oath to the truth of the foregoing statement.

Before me

JAMES T. THURSTON,

Justice of the Peace.

[Referred to on pages 196 and 197.]

REPORT OF THE TRUSTEES OF THE STATE LIBRARY.

To the General Assembly of the State of Vermont.

The Trustees of the State Library, in compliance with the law constituting said board respectfully report—That they have effected an organization, the Governor of the State being *Ex Officio*, President, have elected Charles Reed, of Montpelier, Secretary and Librarian.

A catalogue of the Books and Maps in the Library has been made and printed, a copy of which is herewith submitted. The catalogue is intended not so much for general use, as to aid in making exchanges.

The books added to the Library the past year by exchanges and donations, and their sources, are contained in the schedule annexed marked A., and are in number, including pamphlets, three hundred and twenty-nine volumes. To these are to be added the annual publications of our own State.

From the fund at the disposal of the Trustees, they have purchased for the Library ten copies of Waltons Journal of the Extra Session of the Legislature, 1857, and for exchanges fifty copies of Hall's Eastern Vermont.

The Board has made it among the first of the duties of the Librarian to forward to each State and Territory in the Union a copy of every publication by the authority of the State, and from those States that have not been equally liberal to solicit a return. And the Trustees deem that the \$200,00 so appropriated for the annual increase of the Library, the considerable number of duplicates that can well be spared, and the one hundred copies of the current publications of the State, furnish as ample means for the improvement of the Library as it would be judicious to employ at the present time.

Respectfully submitted

HILAND HALL, PRESIDENT
of Board of Trustees.

CHARLES REED, Secretary,
Montpelier, Nov. 16, 1858.

CATALOGUE OF THE VERMONT STATE LIBRARY,
WITH A LIST OF DUPLICATES FOR EXCHANGES.

ALABAMA.

Revised Statutes, 1852.

Digest of the Laws, by H. Toulmin, 1823.

“ “ “ by C. C. Clay, 1843.

Session Laws, Territory, February 1818.

“ “ State, 1821, to 1829.

Extra Annual and Biennial Sessions, 1832 to 1835, '37, '38,
'40 to '43, '45, '49, '51, '55.

ARKANSAS.

Revised Statutes, 1838.

Digest of the Laws to 1846.

Session Laws, 1840, '43 to '46, '48 to '55.

Message of S. N. Conway to both Houses, 1856.

Acts of the General Assembly, 1852.

CANADA.

Revised Statutes of Upper Canada to the time of the Union,
Vol. 1, Public Acts.

Revised Acts and Ordinances of Lower Canada, 1845.

Report of the Commissioners appointed to inquire into the
Condition, Discipline and Management of the Provincial
Penitentiary, 1849.

Copies of Correspondence between Members of the Govern-
ment and the Chief Superintendent of Schools on School
Law, in Upper Canada and Education generally, 1850.

Census of the Canadas, 1851-'52, 3 vols. [Personal, vol. 1,
Agriculture, etc. Vol. 2, 1855.]

Canada at the Universal Exhibition of 1855.

Statutes passed in the 10th and 20th Victoria, 2d Session of the
5th Parliament, 1856.

Maps, Reports, Estimates, &c., relative to improvement of the
Navigation of the River St. Lawrence and a proposed
Canal connecting the River St. Lawrence and Lake Cham-
plain, 1856.

First and Second Reports of the Select Committee of the
Legislative Assembly on Public Income and Expenditures,
3d Session 3d Parliament, 1850.

Legislative Council Sessional Papers, No. 2, referred to in 8th
vol. of the Journal of the Legislative Council, 1849, Jour-
nal 3d Session, 3d Parl. 1850, vol 9.

2d “ 5th “ 1856, vol. 14.

Sessional Papers to the 14th vol. No. 1 to 6, 6 vols. 1856.

- Legislative Assembly Journal, vol. 8 and Appendix No. 1, 2, 3.
 " Session 1850, vol. 9 and Appendix, No. 1 and 2.
 " " 1851, vol. 10 and Appendix, No. 1, 2, 3, 4,
 " Assembly Journals, Sess. 1852-'53, vol. 11, Part 1,
 " and Appendix, Nos. 1, 3 to 9.
 " Journals, Session 1856, vol. 14 & Appendix, No.
 1—6.
 " " " 1857, " 15.
 General Index to Journal of Assembly, 1st, 2d, and 3d
 Parl. 1841-'51.
 Report of the Select Committee of the Legislative Assembly
 on the Emigration from Canada to the United States, 1849.
 Geological Survey of Canada Reports, 1849, '50.
 Catalogue of the Library of Parliament, 1857.
 Annual Report of the Normal Model Grammar and Common
 Schools, Toronto, 1855.
 Report of the Superintendent of Education for Lower Canada,
 1854.
 Report of the Progress of Settlement in Townships of Lower
 Canada, 1856.
 " of Trade and Commerce, 1855.
 Annual Report of Postmaster General, 1855.
 Lower Canada Reports, 1856, 3 vols; 1857, 2 vols.
 Report of the State of the Militia of the Province, 1857.
 Statements, Reports and Accounts Grand Trunk Railway
 Company, 1857.
 Reports of the Commissioners of Public Works, 1855, 1857.
 Public Accounts for the Provinces 1855.

CALIFORNIA.

- Statutes, 1850 to 1853, '51, '52, '54 to '56.
 Journals of the Legislature, 1851, 1 vol.
 Senate Journals, 1852, '54 to '56.
 Assembly Journal, 1852, '54 to '56.
 Appendix to Assembly Journal, 1856.
 Debates in the Convention, 1849, 1 vol. English, and 1 vol.
 Spanish.

CONNECTICUT.

- Acts and Laws, 1796.
 Public Statute Laws, 1821, '35, '38.
 Revised Statutes, 1849.
 Statutes, compiled and published 1854.
 Public Statute Laws, 1821—1824.
 Public Acts, May Sessions, 1822, '29, '30, '31, '33, '35—41,
 '43 to '54, together with the October Session, 1842.
 Resolves and Private Laws from 1789 to 1836, vols, 1, 3 and 4.
 (Vol. 2 wanting.)

- Resolves and Private Acts passed May Sessions 1838 to '42.
 '44—53, '56, including the Oct. Session of 1842.
 Message, Reports, etc., communicated to the Legislature, 1856
 and '56, 2 vol.
 Statistics of Industry, 1845.
 First and Fourth Annual Report of Commissioners of Common
 Schools, 1839 and '42.
 Journal of the House of Representatives, May Sessions 1844,
 '45, '46, '49 to '53.
 Journal of the Senate, May Sessions, 1844, '45, '46, '49, '51, 52.
 Resolutions and Private Acts of the Gen. Assembly, 1856.
 Journal of the Senate, 1857.
 " " House, 1856, '57.
 Public Acts, 1857.
 Transactions Conn. State Agricultural Society, 1854.
 Colonial Records, 1665 to 1678.
 State Agricultural Society, 1856.
 Agricultural Report, 1855.
 New Haven Colonial Records, 1638 to 1649.
 Report of the Commissioner of Common Schools, 1842.
 " of Joint Committees on petition of Hartford & N. H.
 R. R. Company.
 First seven Reports on Education, 1848.

DELAWARE.

- Laws, compiled from October, 1700, to February, 1813, 4 vols.
 Laws, Revised Edition, 1829.
 Revised Statutes, to 1852.
 Session Laws, 1813 to 18, 21, 22, 24 to 27, 29 to 33, 35, 37,
 39, 41, 43, 47, 49, in 9 vols.

FLORIDA.

- Acts of the Legislative Council of the Territory, 1824 and '5.
 Session Laws of the Territory, passed at the 12th, 13th, 14th,
 17th, 20th, 21st, 22d and 23d sessions.
 Acts and Resolutions of the General Assembly, 1st session
 1845, additional session 1845, and 2d, 3d, 4th, 5th,
 6th, (1853—4.)
 Digest of the State Laws to January, 1847.
 Journal of the Legislative Council of the Territory, 1835.
 Journal of the Senate of the State, 4th 5th and 6th session,
 1848, '50 and '52.
 Journal of the House of Representatives, 4th and 5th sessions
 1848 and '50.

GEORGIA

- Laws from 1800 to 1810, 1 vol.
 Statute Laws and State Papers, 1845.

Digest of the Laws, 1851.

Analysis and Forms.

Laws, 1820, '29, '30, '31, '32, '34, '35, '37, '39, '42, '43, '48, '51 to '56, and 1823 to 1856.

ILLINOIS.

Revised Statutes, 1829.

Revised Laws, 1833.

Revised Statutes, adopted 1844-5.

Session Laws, 1820 to '25, '30, '31, '34, '35, '38, '39 to '47, '49, '51 to '55, and Private Laws.

Legislative Reports of the General Assembly, 1838 to '47, and '49.

Journal of the Convention at Springfield, altering and amending in the Constitution, 1847.

Journal of the Senate, 1849 and '52.

Journal of the House of Representatives, 16th Assembly, 1st and 2d Session.

INDIANA.

Revised Laws, 1824, 1831.

“ Statutes, 1838, '43, 2d vol., '52.

Session Laws, 1817 to '23, '25 to '30, 32 to '36, '38 to '55.

“ (Local,) 19th, 20th, 27th, 28th, 29th and 32d sessions, 1834 to 1849.

IOWA.

Revised Statutes, 1851.

Acts, Resolutions, &c., General Assembly, 1846, '48, '50, '52 to '55.

Journals of the Senate, 1846, '48, '50, '52, '53.

Journals of the House of Representatives, 1848, '49, '50, '52, '53.

KENTUCKY.

Digest of the Statute Laws, to 1834, 2 vols.

Revised Statute 1852.

Session Laws, 1815, '16, '17, '20, '22 to '36.

Acts passed at the December Session, 1836 to '45, '47, '48, '49, '53, '54, (2 vols.) and 1855, '56, (2 vols.)

Code of Practice in Civil and Criminal Cases, 1854.

Digest of Cases at Common Law and in Equity, 1792, to 1852.

Legislative Reports, 1843 to '46, '48, '49, '53, '54, 4 vols.

Report of the Geological Survey, made in 1854-'55, by D. D. Owen.

Journal of the Senate, 1849, '50, '53, '54, 2 vols.

Journal of the House of Representatives, 1849, '50, '53, '54, 2 vols.

Auditor's Report, 1846.
Kentucky Geological Survey.

LOUISIANA.

Civil Code with annotations, 1838.
General Digest of the Laws of Louisiana, 1804 to 1827, 2 vols.
Consolidation and Revision of the Statutes of a general nature, 1852.
Revised Statutes, 1856
Constitution adopted, 1852.
Session Laws (all in French and English,) 1816, '19, '23 to '28, '30 to '42, '45.
Session Laws, 1846, '47, '48, '50, '52, '53, '54, '56, 57.
Executive Journal of the Senate 1850, '52.
Journal of the House of Representatives, 1852, (in French and English.)
Journal of the Convention, 1845.
Debate " " 1845.

MAINE.

Revised Statutes, 1840.
Session Laws, 1823, '24, '25, '27, '28 to '54, '55.
Documents, printed by order of the Legislature, session 1855.
Report of the Committee on the North-Eastern Boundary, (with map,) 1841.
Report on the Eastern Boundary, 1841, 2 vols.
Geology of Maine, 1838.
Survey of Maine, 1829.

MARYLAND.

Statutory Laws and Public Statutes, 1692 to 1839, 3 vols.
" Testamentary Law, with the Decisions of the Courts, 1820.
Revised Laws, 1799 to 1818, vols. 3, 4, 5, 6, 7.
Index to the Laws, from 1832 to 1837.
Session Laws, 1811, '12, '14 to '17, '19, '20 1822 to 1841, 1 vol. 1842, '43, '44, '49, '52, '53, '54, '56.
State Documents, 1852, '53, '54 and 56.
Journal of the Senate, 1841, '49, '52, '53, '54, '56.
" " House of Delegates, 1841, '49, '52, '53, '54, '56.
Convention of Maryland, 1774, '75, '76.
Report on Standards of Weights and Measures, 1845.

MASSACHUSETTS.

Massachusetts Hospital Reports, 1851.
Revised Laws, from 1780 to 1800, 2 vols.
" " 1823.
" Statutes, 1836.

Public and General Laws, from 1807 to '16, vol. 4, from 1818 to 1838, 2 vols., (irregularly bound, with several duplicates.)

Laws, 1839, '40, '41.

Acts and Resolves of the Legislature, 1843 to 1856.

Laws for the Government of the State Prison, 1839.

Journal of each Provincial Congress, 1774, 75, 2 vols.

Discussion on the Constitution Proposed to the People, 1854.

Statistical Information for the year ending June 1, 1855.

Documents Relating to the State Prison, 1847.

Abstract Exhibiting the Condition of the Banks, 1838.

Report on Insanity and Idiocy, by the Commission on Lunacy, 1855.

Report of a General Plan for the Promotion of Health, 1850.

“ of the Board of Trustees of the Mass. General Hospital, 1851.

Insane and Idiots, 1854.

Report of the Sanitary Commission, 1850.

Debates in the Massachusetts Convention, 1853, 3 vols.

Industry of Massachusetts, 1855.

Records of Massachusetts, vols. 1, 2, 3, 4, part 1, 2 and 3.

Journal of the Massachusetts Convention, 1853.

Abstract Showing the Condition of the Banks in Mass.

State Prison Documents, 1839.

Reports on Trees and Shrubs, 1846.

MICHIGAN.

Revised Statutes, 1846.

Laws, with Marginal Notes and Index, 1820.

“ comprising Acts of Public Nature, revised by Commissioners, 1827.

Laws of 1837 to '51, '57.

MINNESOTA TERRITORY.

Revised Statutes, 1851.

Acts, Joint Resolutions and Memorials, 1849.

Session Laws, 1852.

Journals of the Council and House of Representatives, 1st, 2d, 3d Sessions of the Legislative Assembly, 1849, '52.

MISSISSIPPI.

Revised Statutes, 1823.

Statutes of a Public and General Nature, 1840.

Laws from 1824 to 1838.

Revised Statutes, 1848.

Session Laws, 1827, '33, '38, '39, '41, '42, '48, '50, '56.

Journals of the Regular and Called Sessions, 1840, '41, '50.

Journal of the House of Representatives, 1840, '41 and 50.

MISSOURI.

Revised Laws, 1825, 2d vol.

“ Statutes, 1834 and '35, 1845.

Decisions Supreme Court, 3 vols.

Laws, 1821, '26, '28, '30, '32, in one vol.

Laws of 1836, '38, '39, '41, '42, '43, '44, '47, '49, '51, '53.

Geological Survey, 1 vol.

NEBRASKA TERRITORY.

Journal of the House Representatives, 1st Session, 1855.

NEW HAMPSHIRE.

Revised Statutes, 1842.

Laws, 1792, 1797, 1815.

Session Laws, 1793, 1812, '13, '16, 17, '22 to '29, '31 to '39,
'41 to 51, '53, '45.

Journal of the Senate, 1848 to 1853.

“ “ House, 1848 to 1853.

Collection of the New Hampshire Historical Society, vols. 1,
1, 3, 4 and 6.

NEW JERSEY.

Revised Laws, 1800, 2 vols. 1821.

“ Statutes, 1847.

Digest of the Laws, 1855.

Session Laws, from the 45th Session of the General Assembly
to the 81st inclusive, (wanting the 48th, 76th and 79th.)

Votes and Proceeding of the 66th General Assembly, 1841.

Journal of the Constitution Convention in 1844.

Journals of the Legislative Council 66th General Assembly.

NEW MEXICO.

Laws 1851 to 1853.

Journals of the House of Representatives, 1851.

The same in Spanish.

Journal of the Legislative Council, 1853.

The same in Spanish.

Journal of the House of Representatives in 1845, in Spanish.

NEW YORK.

Revised Laws, 1818, 4 vols.

“ Statutes, 1817, '18 ; also 1825 to 1836, vols. 1 and 3.

Session Laws, 34th Session (1811), 35th, 36th, 44th (1820, '21)
to the 46th, 48th to the 50th, (1st and 2d meetings,) 51st
(1st and 2nd meetings,) 52d, 54th to 79th (1845.)

Senate Documents, 1848 to 1852, 3 vols, each ; 1853, vols. 1
and 2 ; 1855, vols. 2 and 3.

- Assembly Documents, 1848, 7, vols. ; 1849, '50 and '51, 9 vols. each ; 1852, 7 vols. ; 1853, vols. 3, 4, 6 ; 1855, vols. 1, 4, 5, 6, 7.
- Journals of the Senate, 71st Session (1848), 72d to 75th and 78th (1855.)
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(Referred to on Page 200.)

REPORT OF COMMITTEE ON THE STATE BANK.

To, the Senate now in Session.

The Committee on Banks having had under consideration the resolution of the Senate directing the Committee to enquire and report by what authority an institution called the State Bank, located at Montpelier, is transacting the business of banking, and under what law, and upon what security said Bank is issuing bank notes and putting the same in circulation, respectfully report,

That they have examined into the matters referred to in said resolution, and find the following facts, viz :

That the Bank organized under an Act of the Legislature, entitled "An Act to authorize the business of Banking," approved Nov. 17th 1851, and the articles of association dated April 3d 1858, adopted by said Bank, which are hereunto annexed and made a part of this Report.

That the capital of the Bank is \$100,000,00, with the right to increase it to \$250,000,00 ; that only the sum of \$50,000,00 has been paid in ; that the securities lodged with the State Treasurer, upon which said Bank is issuing Bank Notes and putting the same in circulation are as follows, viz :

Three Notes signed by the Treasurer of the State of Vermont for Five Thousand Dollars each, dated June 1st, 1857, and bearing interest at the rate of six per cent. payable semi annually, made payable to James R. Langdon, or bearer, on demand, (the interest being endorsed to June 1st, 1858,) \$15,000,00.

One Note, signed by the Treasurer of the State of Vermont, dated October 24, 1857, money borrowed of the Vermont Bank, payable on demand with interest, for \$3,000,00.

Five Bonds for one thousand dollars each, issued by the Treasurer of the State of Vermont in pursuance of the law passed at the last October session of the Legislature of said State, \$5,000,00.

Twenty-one Bonds for Five Hundred Dollars each, issued by the Treasurer of the State of Vermont in pursuance of said law \$10,500,00.

Five United States Treasury Notes, for One Thousand Dollars each, dated March 16, 1858, payable to the order of James R. Langdon, bearing 5 per cent. Int., No. 1870, 71, 72, 73, 74. \$5,000,00.

Two United States Treasury Notes, for one Thousand Dollars each, dated March 18, 1858, payable to the order of James R. Langdon, bearing interest at 5 per cent. \$2,000,00

One United States Treasury Note, dated March 15, 1858, payable to the order of Riggs & Co., bearing 5 per cent. interest. \$1,000,00.

Seven United States Treasury Notes for Five Huddred Dollars each, dated March 18, 1858, payable to the order of James R. Langdon bearing five per cent. interest, \$3,500,00.

Twenty United States Treasury Notes for One Hundred Dollars each, dated March 18, 1858, payable to the order of James R. Langdon, bearing five per cent. interest. \$2,000,00.

Twenty-eight United States Treasury Notes for One Hundred Dollars each, dated January 30, 1858, bearing three per cent. interest. \$2,800,00.

One United States Treasury Note, bearing three per cent. interest, dated January 22, 1858. \$100,00

One, ditto, dated January 26, 1858. 100,00.

One " " " 28, " 100,00.

One " " " 14, " 100,00.

Two " " February 10, " 200,00.

One " " " 20, " 100,00.

Amounting in all, to the sum of Fifty Thousand Five Hundred Dollars, for which the said Bank holds the receipt of the State Treasurer.

J. G. SMITH, CHAIRMAN.

ARTICLES OF ASSOCIATION OF THE STATE BANK, MONTPELIER, VERMONT.

TO ALL TO WHOM THESE PRESENTS SHALL COME :

WHEREAS by a certain instrument in writing, bearing date the third day of April, in the year of our Lord, one thousand eight hundred and fifty-eight, JAMES R. LANGDON, DANIEL BALDWIN, R. R. KEITH, ZENAS WOOD, SILAS BURBANK, JAMES T. THURSTON, R. W. HYDE, GEO. WORTHINGTON, S. L. HOWE, CHAS. R. WOOD, W. F. BRAMAN, LEVI BOUTWELL, N. K. HERRICK, J. W. HOBART, W. C. LEWIS, C. W. STORRS, WM. B. HUBBARD, GEO. W. REED, S. M. WALTON, WILLIAM M. ELLIS, ERASTUS HUBBARD, B. S. HALE, CHAS. BOWEN, OREN CUMMINS, T. C. PHINNEY, A. T. KEITH, JOSEPH FISHER, R. H. WHITTIER, GEO. B. REED, JERRY B. BABCOCK, HARRY S. BOUTWELL, ANDREW HODSDON, H. R. DREW, C. W. WILLARD, H. S. LOOMIS, H. C. BOWEN, A. B. PARKER, H. K. SLAYMON, CHARLES CLARK, and T. C. BARROWS, associated themselves for the purpose of conducting the business of Banking in Montpelier, in the County of Washington, in pursuance of the statute in such case made and provided under the name and style of

"THE STATE BANK,"

with a capital of one hundred thousand dollars, and with the right to increase the same to an amount not exceeding two hundred and fifty thousand dollars, which said articles of association are in the words and figures following, to wit :

"ARTICLES OF ASSOCIATION."

The subscribers have associated, and hereby do associate, themselves together for the business of Banking, in pursuance of an act entitled, 'An act to authorize the business of Banking,' approved November 17th, A. D. 1851, and other acts additional thereto, and amendatory thereof; and hereby do, for themselves and their assigns, bind themselves to the performance of the covenants and engagements herein contained, and do certify and declare their articles of association as follows:

ARTICLE I.

SEC. 1. The name assumed to distinguish this Association, and to be used in its dealings, shall be "The State Bank."

SEC. 2. The village of Montpelier, in the County of Washington, is the place where the operations of discount and deposit of this Association are to be carried on.

SEC. 3. The amount of the capital stock of this Association shall be one hundred thousand dollars, divided into two thousand shares of fifty dollars each; but the amount of capital

and the number of shares may be increased at such times and in such manner as the stockholders, by a majority stock vote, shall determine; provided that the amount of capital shall never exceed two hundred and fifty thousand dollars.

SEC. 4. The names of the shareholders are hereto attached with their place of residence, and said shareholders severally hold the number of shares set opposite their respective names.

SEC. 5. This Association shall commence on the 3d day of April, 1858, and shall terminate on the 3d day of April, 1958.

ARTICLE II.

SEC. 1. The object of this Association is to establish and keep an office of discount, deposit, and circulation, upon the terms, and conditions, and subject to the liabilities, prescribed in the said acts; and to carry on the business of Banking, by discounting bills, notes, and other evidences of debt, by receiving deposits, by buying and selling gold and silver bullion, foreign coin, and foreign and domestic bills of exchange, in such manner as the Board of Directors shall see fit, for any purpose authorized by law; by loaning money on real and personal security; by issuing and circulating as money, such circulating notes as may be received from the State Treasurer, pursuant to said acts, or such as may lawfully be so issued and circulated by this Association, and by exercising such incidental powers as shall be necessary to carry on such business as aforesaid, as the same may be lawfully exercised by this Association.

SEC. 2. This Association may purchase, hold and convey real estate for the following purposes:

1st. Such as may be necessary for its immediate accommodation, in the convenient transaction of its business: or

2d. Such as shall be mortgaged to it in good faith by way of security for loans made by, or money due to, this Association; or

3d. Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings; or

4th. Such as it shall acquire by levies of executions, or by decrees of foreclosure of mortgages held by this Association; but this Association shall not purchase or hold real estate in any other case or for any other purpose.

ARTICLE III.

SEC. 1. The government of this Association, the exercise of the rights, powers, and privileges, conferred by law upon this Association and the management of its capital stock, property, business, and concerns, are hereby vested in, and delegated to, a board which shall consist of five Directors, each of whom shall be stockholders and citizens of this State.

SEC. 2. The following persons shall be the first Directors, and shall hold their office with all the power of Directors as declared herein, until others shall be elected in their places, as herein provided, to wit: James R. Langdon, Daniel Baldwin, Rawsel R. Keith, Charles Clark, and Charles W. Willard.

SEC. 3. The first election of Directors shall take place on the second Monday of January, 1859, and all subsequent elections shall be held on the second Monday of January, in each following year. The elections of Directors shall be held in the village of Montpelier, at such an hour and place as the Board of Directors shall previously determine: and notice thereof shall be published in one of the newspapers printed in Montpelier three weeks successively previously to such election, and the said election shall be made by such of the shareholders of the Association as shall attend for that purpose, either in person or by proxy; and all elections for the Directors shall be by ballot, and the five persons having the greatest number of votes shall be Directors. The Board of Directors so chosen shall proceed to organize within one week after their election. The failure to elect Directors at the time herein above designated, shall not dissolve the Association, but the Board of Directors then in office shall hold over and continue in office until successors are chosen, and it shall be their duty to appoint a special election for that purpose, which shall be held upon like notice, and in like manner, as an annual election.

SEC. 4. If any Director shall cease to hold any of the stock of this Association, his office shall become vacant; and whenever a vacancy occurs, from any cause, it may be filled for the residue of the unexpired term by such eligible persons as the Board of Directors may elect by ballot.

SEC. 5. Each shareholder shall be entitled to one vote on each share of the said stock held by him; but in order to the exercise of such right, he shall have held such share in his own name, at least for thirty days prior to the time of voting.

SEC. 6. The Board of Directors shall elect by ballot one of their number President, and they may elect another of their number Vice President of the Association; and they shall appoint a Cashier, and such other officers, agents, and servants, as they may deem necessary, and may fix salaries or allowances of the officers chosen or appointed by them, and change them at pleasure; and may at any time remove such officers and appoint others in their places.

SEC. 7. The Board of Directors shall have power to make such lawful by-laws, rules, and regulations, for the government of themselves, their officers, and agents, and for the management of the business of the Association, as they may deem expedient; and they may delegate to committees of their body,

power to transact any of the business of such body, and may appoint agents for the like purpose; and a majority of the Board of Directors shall constitute a quorum for the transaction of business.

ARTICLE IV.

SEC. 1. The President of the Association shall preside at all meetings of the Board of Directors at which he is present. All conveyances of real estate, purchased or taken by this Association, shall be made and executed to 'The State Bank,' according to law; and the President shall from time to time sell, assign, or convey such real estate as the Board of Directors shall direct, but not otherwise. The President is also authorized to demand, receive, and sue for, collect and recover, any moneys or property belonging to the Association; and he is hereby authorized and empowered, under the advice and direction of the Board of Directors to satisfy, cancel, or release any judgment, decree, or mortgage held by the Association, and to release or discharge any part, or all the property mortgaged or encumbered; to sell and transfer any public debt, stock or other personal property or things in action belonging to or held by the Association, and to receive any dividend arising therefrom, and for any of these purposes to appoint attorneys under him. In case the President is unable to act by reason of absence, sickness, or any other cause, the Vice President shall exercise all the powers of the President for the time being; and if, for any reason, both the President and Vice President should be unable to act, the Board of Directors may authorize any one of their own body to exercise any or all the powers of the President for the time being.

SEC. 2. The President or Vice President, and the Cashier, shall sign all contracts, made by the Association, and the notes, bills, or other evidences of debt, and certificates of stock, issued by it; and no other officer, director, or shareholder, shall make any contract or engagement in its behalf, unless specially authorized by a resolution of the Board of Directors.

SEC. 3. Minutes shall be kept of the proceedings of each meeting of the Board of Directors, and the same shall be signed by the President or Cashier, or the person presiding at such meeting.

ARTICLE V.

SEC. 1. The Board of Directors shall cause suitable books to be kept for the registry and transfer of the shares of the stock of the Association; and no sale or transfer of any stock by any member shall be valid until recorded by the Cashier, or in his absence, by one of the Directors, nor until all liabili-

ties of such stockholder, either as principal or surety, to said Association, shall have been discharged; and said Association shall have a lien upon the stock of the several stockholders respectively, as security for any debt, or other liability, due from the owner of such stock to said Association.

ARTICLE VI.

SEC. 1. The Board of Directors may invest in such property, securities, or stocks, as the Association may lawfully acquire, such part of its funds as they may deem expedient, and may transfer the same to the State Treasurer, in security for circulating notes to be received from him therefor, and may loan and circulate such notes, pursuant to the acts aforesaid; and they may, from time to time, in cases authorized by law, change such security, by receiving back such proper securities or stock, and transferring to the State Treasurer other proper securities or stocks in their places as the interests of the Association may require.

SEC. 2. The Board of Directors shall defray all the expenses of the Association out of its funds; and a dividend of so much of the net profits and interest of its funds shall be declared and paid to the stockholders as shall from time to time be deemed expedient by the Board of Directors. All interest and profits accrued upon unclaimed dividends shall belong to the Association.

ARTICLE VII.

SEC. 1. This Association and the subscribers of these Articles, for themselves and their assigns have contracted, and hereby do contract and declare themselves to be contracting parties with the State of Vermont, under the said acts of the Legislature thereof, and do accept the franchises and privileges therein and thereby offered and provided for any association which may be found, and any person who may associate under the same acts or any of them.

SEC. 2. The stockholders by a vote of a majority of the stock, may accept any additional powers or privileges which may at any time be offered to, or conferred upon this Association, either by amendments of said acts of the Legislature, or by any new enactments; and thereafter the Board of Directors may use and exercise such new powers and privileges in behalf of this Association.

SEC. 3. These articles of association may be amended at any meeting of the members thereof, by a majority stock vote of the stockholders: Provided that at least ten days' notice to each stockholder shall be given personally, or by due course of mail, directed to the residence of the members, as recorded,

or by publication in one or more of the newspapers printed in Montpelier, three weeks successively, previous to such meeting, stating the purpose of such meeting.

SEC. 4. The Board of Directors may call for the payment of the capital stock at such times, and in such proportions as they may deem proper, under the penalty of forfeiting all stock and previous payments made thereon, and the Association may sue for and recover all such subscriptions. Notice of the time and place of such payment, shall be published for two weeks previous to such time in one of the newspapers published in Montpelier, in the County of Washington.

SEC. 5. Whenever any increase shall be made to the capital stock of this Association, the persons taking the additional shares shall by an instrument in writing to be signed by them or their authorized attorney, and duly acknowledged, specify the number of shares, taken by them respectively, with their places of residence, and shall bind themselves to the performance of the terms of the articles of association, to the same extent as if they had originally signed the same, and such persons and their assigns shall, in respect of the stock subscribed by them, be entitled to the same rights, and be subject to the same liabilities, conditions, and limitations as the existing shareholders are or shall be, in respect to the stock held by them. And the said instrument in writing shall, together with a copy of the resolution of the shareholders, authorizing the increase of the capital stock, be signed by them and acknowledged, and be filed and recorded in the offices in the manner provided by law for filing and recording the certificate of association.

ACT TO AUTHORIZE THE BUSINESS OF BANKING.

It is hereby enacted by the General Assembly of the State of Vermont, as follows :

SEC. 1. The treasurer of the state is hereby authorized and required to cause to be engraved and printed, in the best manner to guard against counterfeiting, such quantity of circulating notes in the similitude of bank notes in blank, of the different denominations authorized to be issued by the incorporated banks of this state, as he may from time to time deem necessary to carry into effect the provisions of this act, and of such form as he may prescribe. Such blank circulating notes shall be countersigned, numbered, and registered in proper books to be provided and kept for that purpose, in the office of said treasurer, under his direction, by such person or persons as the said treasurer shall appoint for that purpose, so that each denomination of such circulating notes shall bear the uniform signature of such register, or any one of such registers.

SEC. 2. Whenever any association of persons, not less than ten in number, residents of this state, formed for the purpose of banking under the provisions of this act, shall lawfully transfer to the said treasurer any portion of the public stock issued, or to be issued, by the United States, the State of Massachusetts, New York, Maine, Connecticut, Rhode Island, New Hampshire, Vermont, Ohio, New Jersey, or Virginia, such association of persons shall be entitled to receive from the said treasurer an equal amount of such circulating notes, of different denominations, registered and countersigned as aforesaid ; but such public stock shall in all cases be, or be made to be, equal to a stock producing six per cent. per annum ; and it shall not be lawful for the treasurer to take such stock at a rate above its par value, nor above its current market value.

SEC. 3. Such association is hereby authorized, after having executed and signed such circulating notes in the manner required by law, to make them obligatory promissory notes, payable on demand, at the place of business, within this state, of such association, to loan and circulate the same as money, according to the ordinary course of banking business, as regulated by the laws and usages of this state.

SEC. 4. In case the makers of any such circulating note or notes, countersigned and registered as aforesaid, shall at any time hereafter, on lawful demand, during the usual hours of business, between the hours of ten and three o'clock, at the place where such note or notes is or are payable, fail or refuse to redeem such note in the lawful money of the United States,

the holder of such note or notes, making such demand may cause the same to be protested for non-payment by a notary public, under his official seal, in the usual manner; and the treasurer, on receiving and filing in his office such protest, shall forthwith give notice in writing, to the makers of such note or notes, to pay the same; and if they shall omit to do so, for ten days after such notice, the treasurer shall immediately thereupon, (unless he shall be satisfied that there is a good and legal defence against the payment of such note or notes,) give notice that all the circulating notes issued by such association will be redeemed out of the trust funds in his hands for that purpose, which notice shall be given by publishing the same in some newspaper printed in the county where the business of such association is established, or in case there is no newspaper printed in such county, such notice shall be published in some newspaper printed at Montpelier; and the treasurer shall be required to apply the said trust funds, belonging to the makers of such protested note or notes, to the payment pro rata of all circulating notes, whether protested or not, put in circulation by the makers of such protested note or notes, pursuant to the provisions of this act, and to adopt such measures for the payment of such notes as will in his opinion most effectually prevent loss to the holders thereof.

SEC. 5. The treasurer may give to any association, so transferring stock, in pursuance of the provisions of this act, powers of attorney to receive interest or dividends thereon, which such association may receive and apply to their own use; but such power may be revoked upon such association failing to redeem the circulating notes so issued, or whenever in the opinion of the treasurer the principal of such stock shall become an insufficient security; and the said treasurer, upon application of the owners of such transferred stock in trust, may in his discretion, change or transfer the same for other stock of the kinds before specified in this act, or may transfer the said stock or any part thereof, or the mortgages, or any of them hereinafter mentioned and provided for, upon receiving and cancelling an equal amount of such circulating notes delivered by him to such association, in such manner that the circulating notes shall always be secured in full, either by or by stocks and mortgages, as in this act provided.

SEC. 6. The bills or notes so to be countersigned, and the payment of which shall be so secure by the transfer of public stocks, shall be stamped upon their face, "secured by the pledge of public stocks."

SEC. 7. Instead of transferring public stocks as aforesaid, to secure the whole amount of such bills or notes, it shall be lawful for such association, in case they shall so elect, before

receiving any of the said bills or notes, to secure the payment of one-half of the whole amount so to be issued, by transferring to the treasurer bonds and mortgages upon real estate, bearing at least six per cent. interest, payable annually or semi-annually, in which case all such bills or notes issued by the said association shall be stamped on their face, "secured by the pledge of public stocks and real estate."

SEC. 8. The real estate so mortgaged, must be improved, productive, unincumbered lands in this state, exclusive of any buildings thereon, and the amount for which said lands are so mortgaged must not exceed two-fifths of the value of said lands; nor shall any mortgage be received for a greater amount than five thousand dollars each, and the treasurer shall prescribe such regulations for ascertaining the title and value of such lands, as he may deem necessary, and such bonds shall be payable within such time as the treasurer may direct.

SEC. 9. The treasurer may, in his discretion, re-assign the said bonds and mortgages, or any of them, to the association who transferred the same, on receiving other approved bonds and mortgages, or public stocks of the description mentioned in the second section of this act, of equal amount; and when any sum of the principal of the bonds and mortgages, transferred to the treasurer, shall be paid to him, he shall notify the association that transferred the bonds and mortgages, of such payment, and may pay the same to such association, on receiving other approved bonds and mortgages of equal amount.

SEC. 10. The association, assigning such bonds and mortgages to the treasurer, may receive the annual interest to come thereon, unless default shall be made in paying the bills or notes to be countersigned as aforesaid, or unless, in the opinion of the treasurer, the bonds and mortgages, or stocks so pledged, shall become an insufficient security for the payment of such bills or notes.

SEC. 11. In case such association shall fail or refuse to pay such bills or notes on demand, in the manner specified in the fourth section of this act, the treasurer, after the ten days notice therein mentioned, may proceed to sell at public auction the public stocks so pledged, or the bonds and mortgages so assigned, or any or either of them, and out of the proceeds of such sale shall pay and cancel the said bills or notes, default in paying which shall have been made as aforesaid; but nothing in this act contained shall be considered as implying any pledge on the part of the State for the payment of said bills or notes, beyond the proper application of the securities pledged to the treasurer for their redemption.

SEC. 12. The public stocks and bonds and mortgages to be deposited with the treasurer, by any such association, shall be

held by him exclusively for the redemption of the bills or notes of such association, put in circulation as money, until the same are paid.

SEC. 13. The plates, dies, and materials to be procured by the treasurer, for the printing and making of the circulating notes provided for hereby, shall remain in his custody, and under his direction; the expenses necessarily incurred in executing the provisions of this act, shall be paid by the treasurer out of any money in the treasury not otherwise appropriated; and for the purpose of reimbursing the same, the said treasurer is hereby authorized and required to charge against, and receive from such association, applying for such circulating notes such rate per cent. thereon as may be sufficient for that purpose, and as may be just and reasonable.

SEC. 14. It shall not be lawful for the treasurer or other officer, to countersign bills or notes for any association to an amount in the aggregate exceeding the public stocks or public stocks and bonds and mortgages, at their value, as before provided in this act, deposited with the treasurer by such association; and any treasurer, or other officer, who shall violate the provisions of this section, shall upon conviction, be adjudged guilty of a misdemeanor, and shall be punished by a fine not less than five thousand dollars, or be imprisoned not less than five years in the State Prison, or by both such fine and imprisonment.

SEC. 15. Any number of persons, not less than ten, residents of this state, may associate to establish offices of discount, deposit and circulation, upon the terms and conditions, and subject to the liabilities prescribed in this act; but the aggregate amount of the capital stock of any such association shall not be less than fifty thousand dollars, nor more than two hundred and fifty thousand dollars.

SEC. 16. Such persons, under their hands and seals, shall make a certificate which shall specify:—1. The name assumed to distinguish such association, and to be used in all its dealings, which name shall not be that of any other bank in this state. 2. The place where the operations of discount and deposit of such association are to be carried on designating the particular city, town or village. 3. The amount of the capital stock of such association, and the number of shares into which the same shall be divided. 4. The names and places of residence of the shareholders, and the number of shares held by each of them respectively. 5. The period at which such association shall commence and terminate; which certificate shall be acknowledged and recorded in the office of the clerk of the county where any office of such association shall be established, and a copy thereof filed in the office of the secretary of state.

SEC. 17. The certificate required by the last preceding section to be recorded and filed in the office of the clerk of the county, and secretary of the state aforesaid, or copies thereof, duly certified by either of those officers, may be used as evidence in all courts and places, for and against any such associations.

SEC. 18. All banking associations organized under the provisions of this act, shall be banks of discount and deposit, as well as of circulation, and shall have the power to carry on the business of banking, by discounting bills, notes, and other evidences of debt; by receiving deposits, by buying and selling gold and silver bullion, foreign coin and bills of exchange, in the manner specified in their articles of association for the purposes authorized by this act; by loaning money on real and personal security; and by exercising such incidental powers as shall be necessary to carry on such business; to choose one of their number as president of such association, and to appoint a cashier, and such other officers and agents as their business may require, and to remove such president, cashier, officers and agents at pleasure, and to appoint others in their place. And the usual business of banking of said association shall be transacted at the place where such banking association shall be located, agreeable to the location specified in the certificate directed to be made by the second clause of the sixteenth section of this act, and not elsewhere.

SEC. 19. The shares of said association shall be deemed personal property, and shall be transferable on the books of the association, in such manner as may be agreed on in the articles of association; and every person becoming a shareholder by such transfer, shall, in proportion to his shares, succeed to all the rights and liabilities of prior shareholders; and no change shall be made in the articles of association, by which the rights, remedies, or securities of its existing creditors shall be weakened or impaired. Such association shall not be dissolved by the death or insanity of any of the shareholders therein.

SEC. 20. It shall be lawful for any association of persons, organized under the provisions of this act, by their articles of association, to provide for an increase of their capital, and of the number of their associates, from time to time, as they may think proper, the aggregate capital not to exceed two hundred and fifty thousand dollars, as before provided.

SEC. 21. Contracts made by any such association, and all notes and bills by them issued and put in circulation as money, shall be signed by the president or vice president and cashier thereof; and all suits, actions and proceedings, brought or prosecuted by or on behalf of such association, may be brought in the name of such association.

SEC. 22. All persons having demands against any such association, may maintain actions at law or in equity, according to the nature of the case, against such association by their name; and all judgments and decrees obtained or rendered against such association, for any debt or liability of such association, shall be enforced only against the joint property of the association, which property shall be liable to be taken and sold by execution under any such judgment or decree.

SEC. 23. No shareholder of any such association shall be liable in his individual capacity, for any contract, debt, or engagement of such association, unless the articles of association by him signed shall have declared that the shareholders shall be so liable, except as hereinafter provided.

SEC. 24. It shall be lawful for such association to purchase, hold and convey real estate for the following purposes:—1. Such as shall be necessary for its immediate accommodation in the convenient transaction of its business; or 2d, such as shall be mortgaged to it in good faith, by way of security for loans made by, or moneys due to, such association; or 3d, such as shall be conveyed to it in satisfaction of debts previously contracted, in the course of its dealing; or, 4th, such as it shall acquire by way of execution. The said association shall not purchase, hold, or convey real estate, in any other case, or for any other purpose; and all conveyances of such real estate shall be made in the name of the association.

SEC. 25. Upon the application of creditors or shareholders of any such association, whose debts or shares shall amount to one thousand dollars, and stating facts, verified by affidavit, a chancellor may, in his discretion, order a strict examination to be made by a master in chancery, of all the affairs of such association, for the purpose of ascertaining the safety of its investments, and the prudence of its management; and the result of every such examination, together with the opinion of the master, and of the chancellor thereon, shall be published in such manner as the chancellor shall direct, who shall make such order in respect to the expense of such examination and publication, as he may deem proper.

SEC. 26. If any portion of the original capital of any such association shall be withdrawn for any purpose whatever, whilst any debt of the association shall remain unsatisfied, no dividends or profits on the shares of the capital stock of the association shall thereafter be made, until the deficit of capital shall have been made good, either by subscription of the shareholders, or out of the subsequently accruing profits of the association; and if it shall appear that any such dividends have been made, it shall be the duty of a chancellor, on application of any person in interest, to make the necessary orders and

decrees for closing the affairs of the association, and distributing its property and effects among its creditors and shareholders.

SEC. 27. Such association shall be liable to pay the holder of every bill or note put in circulation as money, the payment of which shall have been demanded and refused, damages for non-payment thereof, in lieu of interest, at and after the rate of twelve per cent. per annum, from the time of such refusal, until the payment of such evidence of debt and the damages thereon.

SEC. 28. The president and cashier of every association formed pursuant to the provisions of this act, shall at all times keep a true and correct list of the names of all the shareholders of such association, and shall file a copy of such list in the office of the clerk of the county, where any office of such association may be located, and also in the office of the treasurer, on the first Mondays of January and July in every year.

SEC. 29. It shall not be lawful for any association formed under the provisions of this act, to make any of its bills or notes, to be put in circulation as money, payable at any other place than at the office where the business of the association is carried on and conducted, and said bills or notes shall be made payable on demand, and without interest.

SEC. 30. Whenever the securities deposited for the redemption of circulating notes shall, in the opinion of the treasurer, become insufficient for that purpose, he may receive the dividends on all stocks, as well as the interest on all bonds and mortgages, and shall deposit the same in some safe bank or banking association in this state, in his name, in trust for the association to which the same may belong; the deposit to be made on such terms and at such rate of interest as the treasurer may deem most conducive to the interest of such association, and to be withdrawn and paid over, whenever, in the opinion of the treasurer, the securities of such association shall be sufficient to warrant it.

SEC. 31. The bonds and mortgages mentioned in this act, for securing the payment of the circulating bills or notes, may be made or executed to the treasurer.

SEC. 32. All fees for protesting the circulating notes issued by any banking association, shall be paid by the person procuring the services to be performed, for which such association shall be liable, but no part of the securities deposited by such association shall be applied to the payment of such fees.

SEC. 33. It shall be the duty of the bank commissioner, at least once a year, and oftener if he shall deem it necessary, to inspect every bank established under the provisions of this act, and report to the state auditor: 1st. The amount of the certified stock of the capital stock of the banking association

paid in or invested according to law, or in pursuance of its articles of association, and the amount of such stock as then possessed : 2d. The value of the real estate of the association, and specifying what portion is occupied by the association, for the transaction of business : 3d. The shares of stock held by such association, whether absolutely, or as collateral security, specifying each kind and description of stock and the number and value of the shares of each : 4th. The debts owing to the association, specifying such as are due from moneyed or other corporations, or associations, the names of such corporations, or associations, and the amount due from each, and also specifying the amount secured by bond and mortgage, the amount which ought to be included in the computation of losses, and the total amount of debts then collectable : 5th. The amount of debts owing by the association, specifying such as are payable on demand, and such as are due to moneyed and other corporations, associations, or individual bankers, the names of such corporations or associations, or individual bankers, and the amount due to each : 6th. The amount of claims against the association, not acknowledged by it as debts : 7th. The amount for which the association is bound as surety, or for which it may become liable on the happening of contingent events : 8th. The amount of the notes or bills then in circulation of said association, of loans and discounts, and specie on hand : 9th. The amount of losses of the association (if any,) charged, specifying whether charged on its capital or profits, since the last preceding statement, and of the dividends declared and made during the same period : 10th. The amount of real estate, mortgages, and of stocks, together with a description of such stocks deposited by each association with the treasurer as security for the circulating notes issued ; the market value of said stocks, as near as the same can be ascertained, and the date to which payment of interest has been made upon such real estate, mortgages and stocks, and whether said interest has been paid to such banking association, or passed to their credit on the books of the treasurer

SEC. 34. In case any of the said associations shall refuse to submit its books, papers and concerns to the inspection of said commissioner, or whose officers shall refuse to submit to be examined on oath, touching the concerns of such association, by said commissioner, or which shall be found to have violated any law of this state, binding upon such association, such association shall be liable to be proceeded against by said commissioner in the same manner and with like effect as any incorporated bank may be proceeded against for a violation of its charter.

SEC. 35. The shareholders, or a majority of them in amount, who shall be owners of any incorporated bank continuing the

business of banking until the expiration of their charter, and who shall have associated themselves for the purpose of banking under the provisions of this act, shall be entitled to receive from the treasurer, who is hereby authorized to issue to the association, so formed, circulating notes, in amounts of not less than ten thousand dollars, upon the deposit of securities of the kind before described, and required by the provisions of this act, to an amount equal to the circulating notes so issued. But if such banking association, so formed, shall not have deposited with the treasurer, during the three years next following the date of their articles of association, an amount equal to that required by the provisions of this act, as security for circulating notes, previous to commencing the business of banking, the treasurer is hereby empowered to retain the interest accruing upon securities so deposited, until such association has complied with the provisions of this act in relation to the amount of security to be deposited with the treasurer.

SEC. 36. If the shareholders, or a majority of them in amount, of any incorporated bank, within one year of the expiration of its charter, shall file with the president thereof a notice in writing that they intend to avail themselves of the provisions of this act, to associate for the purpose of banking, it shall be lawful for the directors of said bank to purchase and hold such stock and other securities as the treasurer is or may be authorized to receive for circulating notes under the provisions of this act, to such an amount as they shall deem for the interest of the shareholders thereof.

SEC. 37. An association hereafter formed to take the place of an incorporated bank, whose charter has expired, or is about to expire, may, when all the shareholders of such incorporated bank have assented to its organization under this act, take and hold, in addition to such real estate as is prescribed by the twenty-fourth section of this act, such other real estate as such bank may hold at the time of the transfer of the property of the incorporated bank, having been received by it in payment of debts previously contracted to said bank, according to law.

SEC. 38. When the officers of any banking association, desirous of relinquishing the banking business, shall have redeemed at least ninety per cent. of their circulating notes, and shall produce to the treasurer a certificate of a deposit to his credit in such bank as he shall approve, to an equal amount with the circulating notes of such bank unredeemed, it shall be lawful for him to receive the same, and to give up all the securities theretofore deposited by such banking association, for the redemption of circulating notes issued.

SEC. 39. Such banking association, after having complied with the provisions of the last preceding section, shall give

notice for two years in some newspaper in the county where such bank shall have been located, that all the circulating notes issued by such banking association must be presented at the treasurer's office within two years from the date of such notice, or that the funds deposited for the redemption of the notes will be given up to the bank or association; and on receiving satisfactory proof of the giving of such notice for the time aforesaid, the treasurer shall surrender, to the order of such association or bank, any securities which he may hold for the payment of any unredeemed notes of the said association or bank.

SEC. 40. It shall be the duty of the treasurer to receive mutilated circulating notes issued by him, and after making a record of them, their denomination and amount, to deliver in lieu thereof other circulating notes to the same amount.

SEC. 41. There shall be appointed, annually, a joint committee of the legislature, whose duty it shall be to examine such of the securities deposited in the treasurer's office, by banking associations, together with the books and papers therein relating to the business of banking, as the said committee may deem necessary to enable them to report the true state and condition of that department to the legislature.

SEC. 42. The report of the bank commissioner shall show the amount of loans and discounts, over drafts, due from banks, due from directors of said banks, due from brokers, real estate, specie, cash items, stock and promissory notes, bills of solvent banks, bills of suspended banks, loss and expense account, capital, circulation, profits, amount due to banks, amount due to individuals, amount due treasurer of state, amount due depositors on hand, amount due not included under either of the above heads.

SEC. 43. The capital stock of every banking association, established under the provisions of this act, shall be liable to taxation, and it shall be the duty of the cashier of such banking association to transmit to the clerks of the several towns within this state, in which any shareholders of the same shall reside, a true list of the names of all such shareholders, with the amount every such shareholder may own on the first day of April in each year, which amount shall by the listers be set in the list of such shareholder, at its actual market value.

SEC. 44. The directors of any such banking association shall be liable to pay to the creditors and stockholders of any such bank all losses which may be sustained in consequence of any violation by them of the provisions of this act, or of any other law, or other unfaithfulness in the discharge of their official duties; and any number of such directors may be sued in the same action by any claimant under the provisions of this section.

SEC. 45. Any director, who may have paid more than his share of the liabilities mentioned in the preceding section of this act, may have any proper action in law or in equity against such other directors as shall not have paid their full shares.

SEC. 46. Such banking association shall not receive or demand any greater interest or discount on any note, draft, or security, than at the rate of six per cent. per annum ; but such interest or discount may be calculated and taken according to the established rules of banking.

SEC. 47. No such banking association shall directly or indirectly employ its money in trade or commerce, other than is in this act provided, or deal or trade in buying or selling any goods, chattels, wares or merchandise : *Provided*, That such banking association may sell all kinds of property which shall come into its possession in the ordinary collection of its debts.

SEC. 48. All bills and notes of such banking association shall at all times be received by said association, on all judgments, executions or demands, made payable to, or the property of, such banking association.

SEC. 49. All such banking associations shall, semi-annually, at the times at which the dividends of profits shall usually be declared, pay into the treasury of this state one per cent. of the capital of such banks : *Provided*, That if such banking association shall keep a sufficient deposit of funds, in the city of Boston, in the commonwealth of Massachusetts, and shall at that city uniformly cause their bills to be redeemed at par, such bank shall be exempt from such payment ; but if they shall fail to redeem their bills or notes, for the period of ten days in the whole, in any one year, the said tax shall be paid for that year.

SEC. 50. Before any banking association, formed under this act, shall receive from the treasurer any circulating notes, as provided in the second section of this act, the directors or stockholders shall give to the treasurer good and sufficient bonds, to the amount of the notes that said association shall propose to receive, as an additional security to indemnify the billholders against any loss that may be sustained, in case said mortgages or other securities shall be insufficient, and also to secure the billholders for all costs and interest that may accrue in case of a suspension of payment by such institution, and for all other liabilities or indebtedness of said institution.

SEC. 51. If a majority of the shareholders of any incorporated bank shall agree to go into operation, under the provision of this act, as provided in sections thirty-five and thirty-six, and any individual shareholder shall be opposed thereto, and shall signify such opposition to the president, cashier, or di-

rectors, in writing, such bank shall not avail itself of the provisions of this act until the amount due to such shareholder shall have been first paid, which amount shall be an equal proportion of the whole property of such institution, according to the number of shares that such individual shall own.

SEC. 52. The legislature may at any time alter or repeal this act.

SEC. 53. This act shall take effect from its passage.

Approved, November 17, 1851.

AN ACT TO AMEND AN ACT TO AUTHORIZE THE
BUSINESS OF BANKING, APPROVED NOVEMBER
SEVENTEEN, ONE THOUSAND EIGHT HUNDRED
AND FIFTY-ONE.

It is hereby enacted by the General Assembly of the State of Vermont, as follows :

SEC. 1. Whenever any note or notes shall hereafter be protested, agreeably to the provisions of section four of the act to which this is an amendment, the same shall be lodged with the state treasurer for redemption ; and one protest shall be all that shall be required, or allowed fees for to any one party, upon demand made in any one day.

SEC. 2. This act shall take effect from its passage.

Approved, November 23, 1852.

AN ACT IN ADDITION TO "AN ACT TO AUTHORIZE
THE BUSINESS OF BANKING," APPROVED NOVEM-
BER 17, 1853.

It is hereby enacted by the General Assembly of the State of Vermont, as follows :

SEC. 1. Whenever any association, organized under the act to which this is in addition, shall return to the treasury any of its mutilated circulating notes, agreeably to the fortieth section of said act, it shall be the duty of the said treasurer, in the presence of the secretary of state, to burn all such mutilated notes ; and said treasurer and secretary of state shall thereupon make and subscribe officially, a certificate of the aggregate amount and different denomination of the notes so by them burned, which certificate shall be recorded by said trea-

surer, and be delivered to the president or cashier of such association; and when any such association shall relinquish their banking business or cease to exist as such, it shall be the duty of the treasurer of the State in like manner to destroy the bills of said association and also mutilate all plates and dies in his hands belonging to said bank.

SEC. 2. This act shall take effect from its passage.

Approved, November 26, 1853.

AN ACT IN RELATION TO ASSOCIATIONS ORGANIZED
UNDER "AN ACT TO AUTHORIZE THE BUSINESS
OF BANKING," APPROVED NOVEMBER 17, 1851.

It is hereby enacted by the General Assembly of the State of Vermont, as follows:

SEC. 1. Whenever an examination shall be made by a master in chancery into the affairs of any association organized under the provisions of "an act to authorize the business of banking," approved November 27, 1851, according to the provisions of section twenty-five of said act, and a chancellor shall be of opinion, from such master's report, that the investments of such association are unsafe, or that its management is imprudent, and that there is danger of loss to the creditors or shareholders, or others interested in such association, it shall be the duty of said chancellor to make all necessary orders and decrees for closing the affairs of such association, as provided in the twenty-sixth section of said act.

SEC. 2. In case one or more persons, who shall have signed the bond or bonds of any such association to the state treasurer, agreeably to section fifty of said act, shall be apprehensive of liability and loss, in consequence of having signed such bond or bonds, it shall be the duty of such association, within thirty days after written notice to that effect shall have been delivered to them by such person or persons, to file a bond with said treasurer to the satisfaction of such person or persons, or in case of disagreement between such association and such person or persons, to the satisfaction of said treasurer, in a penal sum equal to such bond or bonds so signed by such person or persons, conditioned to save harmless such person or persons, from all liability, costs and expense, in consequence of having signed such bond or bonds.

SEC. 3. In case of the neglect or refusal of such association to comply with the second section of this act, it shall be the duty of a chancellor, upon the application of such person or

persons named in said section, forthwith to make all necessary orders and decrees for closing the affairs of such association and distributing its property and effects according to law.

SEC. 4. This act shall take effect from its passage.

Approved, November 17, 1856.

AN ACT IN AMENDMENT TO AN ACT APPROVED NOVEMBER 17, 1851, ENTITLED "AN ACT TO AUTHORIZE THE BUSINESS OF BANKING."

It is hereby enacted by the General Assembly of the State of Vermont, as follows :

SEC. 1. That whatever proceedings shall be or have been commenced for closing up any bank authorized by the act approved November 17, 1851, entitled "an act to authorize the business of banking," it shall be competent for any chancellor, on application, to fix a time, to be not less than four nor more than twelve months, for the presentation of bills or notes against said bank, either to the treasurer of the State or receiver of such bank, for redemption and payment; notice of which time shall be published as such chancellor may direct; and all bills or notes not presented within the time so fixed shall not be entitled to consideration in the distribution of the assets of said bank in the hands of said treasurer or receiver, and such published notice shall so state, but said assets shall be distributed and apportioned as though all such bills or notes had been presented: *Provided*, this act shall not be so construed as to authorize the chancellor to order any bond executed under the provisions of section fifty of an act entitled "an act to authorize the business of banking," approved November 17, 1851, into the hands of the receiver of such bank.

SEC. 2. On application of the treasurer or any person in interest in such bank, the chancellor shall have power to order the securities in the treasurer's hands into the receiver's hands, on his filing with the treasurer a good and sufficient bond, in such sum as the chancellor shall order, to the acceptance of such treasurer or chancellor, and to order the application of the proceeds of such securities according to law.

SEC. 3. Whenever any banking association, organized under the general banking law, shall be closed, either by the voluntary act of the association or by operation of law, and when any association partly organized shall abandon or fail to complete the same, the treasurer and secretary of State are hereby

empowered and directed to destroy all such bills when redeemed, and the sheets, blank notes and plates of such organized or unorganized association.

SEC. 4. This act shall take effect from its passage.

Approved, November 10, 1857.

AN ACT IN AMENDMENT OF AN ACT ENTITLED "AN
ACT TO AUTHORIZE THE BUSINESS OF BANKING,"
APPROVED NOVEMBER 17, 1851.

It is hereby enacted by the General Assembly of the State of Vermont, as follows :

SEC. 1. In case the maker of any circulating note or notes, countersigned and registered as specified in section four of an act entitled "an act to authorize the business of banking," approved November 17, 1851, shall at any time hereafter, when payment thereof shall be demanded during the usual hours of business, between the hours of ten and three o'clock, at the place where such note or notes is or are payable, fail or refuse to redeem such note or notes in the lawful money of the United States, the holder of such note or notes making such demand may lodge the said note or notes, accompanied with his affidavit that such demand had been made and payment refused as aforesaid, with the treasurer of the State, and on receiving such note or notes and affidavit, the treasurer shall proceed in the same manner as is now provided in said act in cases where protests are filed with such treasurer.

SEC. 2. So much of said section four as requires such note or notes to be protested for non-payment is hereby repealed.

SEC. 3. This act shall take effect from its passage.

Approved, October 23, 1857.

[Referred to on page 251 and 300.]

STATE HOUSE.

KNOW ALL MEN BY THESE PRESENTS, That we, Elisha P. Jewett, George W. Collamer and Erastus Hubbard, of Montpelier, in the county of Washington and State of Vermont, are held and firmly bound and obliged unto the Treasurer of the State of Vermont and to his successors in office, in the penal sum of one hundred thousand dollars current money of the United States, for the payment of which well and truly to be made, we bind ourselves, our executors and administrators firmly by these presents.

Signed with our hands and sealed with our seals.

Dated at Montpelier in said county of Washington, this 27th day of February, A. D. 1857.

The condition of this obligation is such that whereas the Legislature, of the State of Vermont, at a Session held at Montpelier, on the 18th day of February, A. D. 1857, passed an act entitled "an act providing for rebuilding the State House," by which it is provided in the first section of said act, that "the inhabitants of Montpelier, or any individuals, shall, before the rising of this Legislature, give good and sufficient bonds, securing to the Treasurer of this State, to pay into the Treasury, a sum equal to the whole cost of the work mentioned in the first section of this act, one half of said sum to be paid in one year, and the remainder in two years from the passage of this act, or on completion of the work:"

If the inhabitants of Montpelier, or any individuals, shall, well and truly pay or cause to be paid into the Treasury of the State of Vermont, a sum equal to the whole cost of the work mentioned in the first section of said act—one half of said sum to be paid in one year, and the remainder in two years from the passage of said act, or on the completion of the work agreeably to the provisions of said act—then this obligation to be void, otherwise in force.

| | |
|-------------------|---------|
| ELISHA P. JEWETT, | [L. s.] |
| GEO. W. COLLAMER, | [L. s.] |
| ERASTUS HUBBARD, | [L. s.] |

Signed sealed and delivered,
in presence of
 C. W. WILLARD,
 ALONZO BEMIS.

MONTPELIER, Feb. 27, 1857.

Approved,
 H. M. BATES, *Treasurer.*

AN ACT TO PROVIDE FOR REBUILDING THE STATE HOUSE.

It is hereby enacted by the General Assembly of the State of Vermont, as follows :

SEC. 1. The sum of forty thousand dollars is hereby appropriated for the purpose of rebuilding the State House, and making such repairs and improvements in and around the same, and furnishing said House, as may be necessary ; and the Treasurer is hereby directed to pay said sum to the Committee to be appointed, as hereinafter provided, to superintend such work of rebuilding and repairing as aforesaid, out of any moneys in the treasury not otherwise appropriated. *Provided*, the inhabitants of Montpelier, or any individuals, shall, before the rising of this Legislature, give good and sufficient security to the Treasurer of this State, to pay into the treasury of the State, a sum equal to the whole cost of the work, mentioned in the first section of this act, one half of said sum to be paid in one year and the remainder in two years from the passage of this act, or on the completion of the work.

SEC. 2. It is hereby made the duty of the Governor to appoint three suitable persons, as a Committee to prepare a plan according to which such rebuilding and repairs are to be made. And it shall be the duty of said Committee to deliver one copy of the plan so prepared by them, to the Secretary of State, and one to the superintending Committee, on or before the first day of April, A. D. 1857.

SEC. 3. It is hereby made the duty of the Governor to appoint some suitable person as a Committee to superintend the work mentioned in the first section of this act, agreeably to the plan adopted by the Committee aforesaid. And such superintending Committee shall, before he enters upon the discharge of his duties, give good and sufficient bonds to the Treasurer of the State, in the sum of twenty thousand dollars, for the faithful discharge of his duties.

SEC. 4. This act shall take effect from its passage.

Approved, February 27, 1857.

(Referred to on Page 257.)

REPORT OF THE MAJORITY OF THE COMMITTEE ON THE JUDICIARY.

To the Senate now in Session :

The Committee on the Judiciary to which was referred the resolution of Mr. Gleed :

Report that they have had the same under consideration, and a majority of the Committee have come to the following conclusion in relation to the matter referred.

The Bond referred to, which is dated on the 27th day of February 1857, was taken under the Act of the Legislature, which was approved on the same day, and contained the following condition :

"If the inhabitants of Montpelier, or any individuals shall well and truly pay or cause to be paid into the Treasury of the State of Vermont a sum *equal* to the whole cost of the work mentioned in the first section of said act—one half of said sum to be paid in one year, and the remainder in two years from the passage of said act, or on the completion of the work agreeably to the provisions of said act, then this bond to be void."

In the opinion of the majority of the Committee there was due upon this bond, on the 27th day of February 1858, to the State, a sum *equal* to one half the cost "of rebuilding the State House and making such repairs and improvements in and around the same and furnishing said House as may be necessary." Any other construction of the provision contained in the condition than this, would defer the payment of the whole sum to be paid until the completion of the entire work, and the Committee are of opinion that the language of the instrument will not bear such a construction. The condition upon which the Act was passed, was substantially that the State House should be rebuilt at Montpelier upon the condition that a sum equal to the cost, should be paid into the Treasury by the inhabitants of that town. A fair and straight forward compliance with the provisions of the bond given in their behalf, your committee think requires that the first half of the sum they were to pay, should be paid within a year from the date of the instrument.

L. E. CHITTENDEN.
JAS. L. STARK, JR.

(Referred to on Page 257.)

REPORT OF THE MINORITY OF THE COMMITTEE ON THE JUDICIARY.

To the Senate now in Session :

It is with great diffidence that I differ in opinion with the majority of the Judiciary Committee in the construction of the bond signed by Elisha P. Jewett and others, which has been, by the Senate, referred to us for our opinion. The interpretation of the condition of said bond is not free from doubt—It should be construed with reference to the law passed at the Special Session of the Legislature, in February A. D. 1857, referred to in the condition of said bond. That law appropriates the sum of forty thousand dollars “*for the purpose of rebuilding the State House and making such repairs and improvements in and around the same, and furnishing said House,*” and the Treasurer is directed to pay over the same to the Superintendent, authorized to be appointed by the law, to superintend the rebuilding of the House, provided the inhabitants of Montpelier execute to the State Treasurer a bond conditioned “*to pay into the Treasury of the State, a sum equal to the whole cost of the work—one half of said sum to be paid in one year and the remainder in two years from the passage of this act, or on the completion of the work.*”

The House is to be rebuilt by the State and not by the inhabitants of Montpelier. The money appropriated is to be paid to the superintendent and the work proceed *upon the execution of the bond*—at some time the expense is to be repaid, and that time is, in my opinion, taking into consideration the whole act, *after the completion of the work*—they are to repay the “*whole cost of the work.*” How can that cost be ascertained until the work is completed? How can you ascertain what “*one half*” of the work costs until its completion? The completion of the work would seem to be a *condition precedent* to the right of any recovery upon the bond.

Again it may well be supposed, from the wording of the act and the condition of the bond, that the Legislature then supposed that the work might be completed within one year, and that they gave the right to the obligors of the bond *then to repay the whole cost of the work*, or to pay one half at the

end of one year and the other half in two years, at their election,—but in no event to be compelled to pay anything until the work was completed. Taking the whole act together I am of opinion that the two times of payment mentioned—one half in one year and the balance in two years—are one *proposition* and the *alternative proposition*, is to pay the whole on the completion of the work.

The Committee have had but little time for the consideration of this subject, but from a hasty examination of the same, I am not prepared to say that any money is *now* due upon said bond, or that any action could *now* be maintained on it. It could hardly be claimed, I think, that the obligors of the bond could be compelled to pay one half of the *whole cost* of the work now, and then that the state could cease to further rebuild it, which might be the effect if the one half was now collectable.

Respectfully submitted.

W. C. FRENCH.

(Referred to on page 265.)

RULES AND BY-LAWS OF THE STATE LIBRARY.

1. The Library shall be kept open each day, at suitable hours, of the Session of every Legislature and Constitutional Convention, when the Librarian or his Assistants shall be present. And no person shall be allowed access to the Library at any time except in the presence of the Librarian or Assistants.

2. Books may be taken from the Library by the Governor and Lieutenant Governor; Secretary of Civil and Military Affairs; Members of the Senate and House, and their Clerks; Members of a Constitutional Convention and its Clerks; Heads of Departments; Judges of the Supreme Court; Trustees of the Library; Secretary and Members of the Board of Education.

3. The right to take and keep books by the Members and Clerks of a Legislature, or Constitutional Convention, is limited to the time said Legislature or Convention may be in session, and no other person shall keep a book from the Library more than twenty days.

4. The Librarian shall keep records in which he shall enter all books taken from the Library; and every person taking a book shall be responsible for its return, agreeably to the rules of the Library, until the Librarian shall cancel the charge. And no book shall be taken from the Library until the same has been so charged.

5. Every book placed on the shelves of the Library shall be stamped on the outside and inside when practicable, with the words "Vermont State Library," in such a manner as to be indelibly inscribed.

6. The Librarian in suitable books shall keep a record of all the transactions of the Library in the purchase and exchange of books and also of all the expenses of the Library for the examination of the Trustees and the Committee on the Library.

7. The Librarian in the discharge of his duties shall in all matters be subject to the control of the Trustees of the Library and shall keep a full record of all their proceedings.

8. The Library and Library Rooms shall be under the control and charge of the Librarian and he shall carefully preserve the books and all other property belonging to the Library;

and if any loss or damage to the same shall happen from his want of care, or any violation of the rules of the Library by him permitted, he shall be personally responsible for the same.

9. If on notice to any person that the time for which any book or books have been drawn from the Library by such person, has expired, such person shall neglect to return such book or books to the Library for more than three days after such notice, such person shall be liable to pay to the State double the value of such book or books, which value shall be estimated at the cost of replacing the same.

10. If any person shall take from the Library any book or other article belonging to the same without being properly authorized so to do, such person shall be liable to pay to the State double the value of such book or other article and also shall pay a penalty of ten dollars.

11. If any person shall have in his possession any book or other article belonging to the Library and shall neglect to return the same to the Library on demand, such person shall be liable to pay to the State double the value of such book or other article and also a penalty of ten dollars.

12. If any book shall be damaged while the same shall be drawn from the Library by any person, such person shall be liable to pay to the State the amount of such damage.

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